

# Industrial Property

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written undertaking, on behalf of himself and of all his successors in title, if any, to finally renounce, on the day of issue of the new plant variety certificate, all right to use the said mark in France and in the States of the Union in which his variety may be protected by legislation enacted in accordance with the Convention mentioned above.

Trademarks filed under the Law of December 31, 1964 mentioned above shall be understood as including international registrations of marks under the Madrid Agreement Concerning the International Registration of Marks, of April 14, 1891, which enjoy protection in the territories to which this law applies.

Renunciation under this Section shall not affect the validity of the trademark filing itself.

7. — Where a variety has already been the subject of an application for protection in another State of the International Union for the Protection of New Plant Varieties and if a denomination has been accepted by that State, that denomination must be used in France to designate the variety in question unless observations concerning the denomination have been found to be justified under the conditions provided for in Section 17 and following of this Decree, or the Committee for the Protection of New Plant Varieties has found it unsuitable for use in the territories to which this law applies, or the denomination does not meet the requirements of the first paragraph of Section 6 above.

8. — The application for a new plant variety certificate may include, under the conditions provided for in Section 10 of the Law of June 11, 1970 mentioned above, a priority claim based on a prior application filed in one of the States of the International Union for the Protection of New Plant Varieties. Such claim shall be submitted in writing at the same time as the documents referred to in Section 5 of this Decree. It shall specify the date and references of the prior filing, the denomination under which the variety was registered or, failing this, the provisional breeder's reference, the country in which the application was filed and the name of the owner of the rights attaching to the filing. It shall be accompanied by proof of payment of the prescribed fee.

9. — Subject to Section 36 of the Law of June 11, 1970 mentioned above, the right of priority shall be granted only if:

(a) within three months from the filing of the application, the applicant provides the Secretariat General of the Committee with copies of the documents constituting the prior filing in any other country of the Union, duly certified by the Administration receiving them and accompanied by a translation;

(b) within four years from the same date, the applicant furnishes the complementary documentation and, where applicable, the reproduction or vegetative propagation material necessary for the preliminary examination.

10. — The documents which are to be submitted under Sections 4, 5 and 6 above and Sections 15, 17 and 36 below shall be drawn up in French.

The Committee may require any other document communicated to it to be drawn up in French or accompanied by a translation.

11. — The benefits of the filing date of the application for a certificate shall be secured if at the time of such filing at least the documents specified in Section 5 of this Decree are produced, even if they are not in order with respect to form.

If the filing does not include the aforementioned documents, the application shall be declared inadmissible and returned to the applicant, any fees paid being refunded.

If the filing is not in order with respect to form, it must be put in order within two months of notification of the defect, failing which the application shall be rejected and returned to the applicant.

12. — In derogation from Section 4 above, a provisional reference may be given in place of a denomination to designate the variety in respect of which the application is filed and at the time of such filing. In this case the denomination must be proposed, on pain of inadmissibility of the application, within two months of notification by the Committee to the owner of the application.

13. — A copy of the application for a new plant variety certificate shall be handed to the applicant at the time of filing; such copy shall bear a stamp indicating the day and hour of filing, and a registration number.

Where the filing is effected by mail, the applicant's copy of the application may be sent to him by the same means. The date and hour of filing shall in that case be the date and hour of receipt, by the Secretariat General of the Committee for the Protection of New Plant Varieties, of the envelope containing the application; if payment of the prescribed fees is not effected until later, the date of filing of the application by mail shall be the date of such payment, and the time of filing shall be the closing hour, on that day, of the Offices of the Secretariat General of the Committee. The application shall be declared inadmissible if payment is not effected within two months following receipt of the application by the Secretariat General of the Committee for the Protection of New Plant Varieties.

14. — The application shall be entered in the Register of Applications for New Plant Variety Certificates provided for in Section 38 below, in the order of its filing and under the number indicated to the applicant.

This number shall be that which must appear on all notifications under this Decree until the new plant variety certificate has been issued.

15. — Until the new plant variety certificate has been issued, the applicant may request correction of formal errors discovered in the documents submitted.

Such request shall be presented in writing and shall contain the text of the amendments proposed by the applicant. It shall be entered in the Register of Applications for New Plant Variety Certificates and shall not be admissible unless it is accompanied by proof of payment of the prescribed fee.

## CHAPTER II

*Initial Examination of Applications  
for New Plant Variety Certificates*

16. — Subject to Section 51 of this Decree, any application for a new plant variety certificate filed in due form shall be included in an official bulletin which shall be published by the Committee for the Protection of New Plant Varieties.

The purpose of this publication shall be, in particular, to bring the application for a new plant variety certificate to the notice of any person having an interest therein.

The publication shall specify the date of filing, the name and address of the applicant, and that of the breeder when he is not the applicant, the denomination proposed or, failing this, the breeder's reference, and mention of the genus or species to which the variety belongs and the essential characteristics of the latter.

From the day of the publication referred to in the preceding paragraphs, any person may inspect the application as entered in the Register of Applications for New Plant Variety Certificates.

17. — Any interested person may, within two months following the date of publication referred to in the preceding Section, submit observations to the Committee for the Protection of New Plant Varieties.

18. — Disputes relating to the validity of a breeder's right to the variety for which a new plant variety certificate is sought shall be brought directly before the *tribunaux de grande instance*<sup>3</sup>, or in Overseas Territories before the courts of first instance.

Such disputes shall be entered in the Register.

19. — Where the variety denomination proposed by the breeder or his successor in title did not appear in the initial application, or where the breeder proposes a new denomination at the request of the Committee, the new denomination shall be published in the official bulletin of the Committee for the Protection of New Plant Varieties.

20. — Observations submitted shall be notified by the Committee for the Protection of New Plant Varieties to the owner of the application. The Committee shall fix the time by which the applicant must reply.

21. — On being duly referred to under the conditions specified above, the Committee shall make an initial examination of the application for a new plant variety certificate, and of any observations relating thereto.

The Committee shall fix its own examination procedure.

Pursuant to Section 5 of the Law of June 11, 1970 mentioned above, the Committee may decide not to make an initial examination if French or foreign documents in its possession show that such an examination has already been made and the information contained in those documents appears sufficient for it to be able to take a decision.

Where the Committee decides to order an examination of a variety, it shall lay down the duration and the details of

such examination. Examination shall relate to novelty, homogeneity and stability with the exclusion of any evaluation of the variety's usefulness in cultivation; it shall not be made before proof of payment of the fee due has been given.

22. — Where a proposed denomination has been found by the Committee to be at variance with Sections 6 and 7 of this Decree and the orders issued for its implementation, or where observations have been submitted to the Committee and accepted by it, the breeder shall be invited to submit another denomination within two months of the notification to this effect. The new denomination shall undergo the same process of examination and publication. If the breeder does not propose a new denomination within the prescribed period, the application for a certificate shall be declared inadmissible. Fees already paid shall not be refunded.

23. — The initial examination shall be suspended at the written request of any person who provides proof that he has brought an action before the *tribunal de grande instance* or before the court of first instance in Overseas Territories, claiming title to the application for a new plant variety certificate. Trials decided upon by the Committee may be carried out, however.

The procedure shall be resumed as soon as the court has rendered a final decision. It may also be resumed at any time with the written consent of the person who has brought the action. Such consent shall be irrevocable. During this period the owner of the application may not withdraw the application without the consent of the person who has brought the action. Furthermore, the person who has brought the action shall be called upon to take part in the initial examination procedure on the same footing as the owner of the application.

24. — When the various initial measures decided by the Committee have been carried out, a summary report on the results of the procedure shall be communicated to the owner of the application; the latter shall have two months in which to submit his observations. He may, during this period, inspect the whole examination file at the Secretariat General of the Committee.

Any person who has submitted observations under the conditions prescribed by this Decree and by such orders of the Minister of Agriculture as may be issued for its implementation shall be informed of the conclusions of the report on his observations. At his request, the Committee may authorize him to inspect the file relating to the observations. He may submit further observations during the period stated above.

## CHAPTER III

*Issue of New Plant Variety Certificates*

25. — On expiration of the period provided for in the preceding Section, the Committee shall take a decision on the application. It may decide either to issue a new plant variety certificate, or to reject the application, or to undertake an additional examination under conditions and within periods to be fixed by itself.

The Committee shall give reasons for its decision. The decision shall be notified to the applicant and to any persons who have submitted observations.

<sup>3</sup> The higher first instance courts dealing with major civil cases.

26. — The new plant variety certificate shall be issued by the Committee for the Protection of New Plant Varieties. It shall be made out in the name of the owner of the application for a new plant variety certificate. The name of the breeder shall be mentioned on the new plant variety certificate if he is not the owner of the application.

The certificate shall in particular specify, in addition to the denomination of the variety and its botanical description, the filing date of the application, the issue of the certificate, the various publicity measures, and details concerning priority where claimed.

Where, pursuant to Sections 4, 7 and 22 above, the variety is designated by one or more other denominations in the various States of the International Union for the Protection of New Plant Varieties, those other denominations shall be mentioned, for information purposes, on the new plant variety certificate.

27. — The certificate shall be entered in the National Register of New Plant Variety Certificates under the conditions set forth in Section 40 below.

28. — The issue of the new plant variety certificate shall be published in the official bulletin of the Committee for the Protection of New Plant Varieties within three months from the date on which the issue was notified to the owner of the new plant variety certificate.

29. — As from the day of publication in the official bulletin, any person may inspect the new plant variety certificate as entered in the Register of New Plant Variety Certificates, at the headquarters of the Committee. Such person may obtain, at his expense, extracts from the Register. He may also inspect documents in the file relating to the application and the examination procedure, or obtain copies thereof at his expense, and generally receive all information on the variety concerned, subject to any special measures which may be decided by the Committee for the Protection of New Plant Varieties to protect the rights of the breeder in varieties whose production requires the repeated use of one or more other varieties.

30. — The Committee for the Protection of New Plant Varieties shall not be obliged to retain applications for new plant variety certificates beyond a period of ten years after the expiration of the rights attaching to the respective certificates.

#### CHAPTER IV

##### *Annual Fees*

31. — The annual fee provided for in Section 11 (2<sup>nd</sup> paragraph) of the Law of June 11, 1970 mentioned above shall be due for the first time on the date of issue of the new plant variety certificate. It shall be paid within two months following notification to the owner of the new plant variety certificate by the Committee for the Protection of New Plant Varieties.

In subsequent years the fee shall fall due on the last day of the same month as that in which the new plant variety certificate was issued.

As from the second year, if payment of the annual fee is not effected on the due date as defined above, it may yet be validly effected within a further period of six months, subject to payment of a surcharge.

32. — If payment of the annual fee is not effected on the normal due date, a reminder shall be sent to the owner of the new plant variety certificate, informing him that he will forfeit his rights if such payment, together with the surcharge, is not effected before expiration of the period indicated in the third paragraph of Section 31 above. Failure to send a reminder or any error which such reminder might contain shall not give ground for restoration of the rights of the owner of the new plant variety certificate.

33. — If payment of the annual fee, together with the surcharge, if applicable, is not effected within the periods specified above, the Committee for the Protection of New Plant Varieties shall declare the breeder's rights to be forfeited.

Such forfeiture shall be entered in the National Register of New Plant Variety Certificates and published in the official bulletin of the Committee for the Protection of New Plant Varieties. The grounds for the decision shall be stated, and the forfeiture shall be notified to the certificate owner at the time of its entry in the National Register of New Plant Variety Certificates. The person concerned shall be informed that he has six months from the expiration of the last period in which to appeal to the Committee for restoration of his rights under the conditions specified in Section 22 of the Law of June 11, 1970 mentioned above.

To be valid, the appeal must be accompanied by proof of payment of the annual fee and a fee for the entry of the appeal in the National Register of New Plant Variety Certificates.

34. — The Committee for the Protection of New Plant Varieties shall take a decision within two months. Where the appeal is dismissed the amount of the last annual fee shall be refunded.

The Committee's decision shall be notified to the owner of the new plant variety certificate; it shall be entered in the National Register of New Plant Variety Certificates and published in the official bulletin of the Committee for the Protection of New Plant Varieties.

35. — If the owner of the new plant variety certificate has lodged an appeal before the Paris Court of Appeal against the decision taken by the Committee under Section 22 of the Law of June 11, 1970 mentioned above, this fact shall be entered ex officio in the National Register of Plant Variety Certificates, and the effects of forfeiture shall be suspended until the decision of the Court has become final.

The decision of the Paris Court of Appeal shall be entered in the National Register of New Plant Variety certificates. It shall be accompanied, where applicable, by mention of the fact that the owner of the new plant variety certificate has lodged an appeal with the *Cour de cassation*. In the latter case, the decision of the *Cour de cassation* shall be entered in the Register under the same conditions.

## CHAPTER V

*Surrender — Forfeiture*

36. — A new plant variety certificate may be surrendered in writing. Such surrender shall be communicated to the Committee by the certificate owner or by an agent invested with special powers. If the certificate belongs to several persons, it may only be surrendered at the request of all the joint owners.

If mortgages, licenses or other rights in rem have been entered in the National Register of New Plant Variety Certificates, surrender shall be admissible only if it is accompanied by the consent of the owners of such rights.

Surrenders shall be recorded after payment of a fee for cancellation of the entry in the National Register of New Plant Variety Certificates. They shall be effective as from the date of such recording.

37. — Breeders who are liable to forfeiture of their rights under (1) and (2) of the first paragraph of Section 22 of the Law of June 11, 1970 mentioned above, shall be formally requested to put an end to the situation in a notification addressed to them by the Committee for the Protection of New Plant Varieties. If, on expiration of two months from receipt of notification, the formal request has not been complied with, the Committee shall declare the breeders' rights to be forfeited.

The decision of the Committee shall be notified to the owner of the new plant variety certificate. It shall be entered in the National Register of New Plant Variety Certificates and published in the official bulletin of the Committee for the Protection of New Plant Varieties.

## CHAPTER VI

*Register of Applications for New Plant Variety Certificates and National Register of New Plant Variety Certificates*

38. — The Committee for the Protection of New Plant Varieties shall keep a Register of Applications for New Plant Variety Certificates and a National Register of New Plant Variety Certificates.

39. — Applications for new plant variety certificates shall be entered in chronological order in the Register of Applications as soon as they have been filed.

The entry relating to each application shall include:

the provisional registration number;

the filing date;

mention of the genus or species of the variety;

the name and address of the breeder and, where applicable, of his agent or successor in title where the breeder is not the applicant;

the denomination proposed or, failing this, the breeder's reference, and, where applicable, the denomination used to designate the variety in other States of the Union;

the claim to priority, where made;

mention of the observations referred to in Sections 17 and following;

the date of issue of the new plant variety certificate, with the number of the entry in the National Register of New Plant Variety Certificates or mention of a final decision of rejection.

The description of the variety made by the applicant and that of the breeding process shall appear in an annex to the Register, subject to Section 51 of this Decree.

40. — New plant variety certificates shall be entered in the National Register of New Plant Varieties in the order of their issue.

The entry shall comprise:

the serial number under which the certificate was issued;  
the genus or species of the variety;

the denomination and, where applicable, any other denomination used to designate the variety in other States of the Union;

a botanical description;

the name and address of the owner of the new plant variety certificate and the name and address of the breeder if he is not the owner;

any claim to priority;

the dates on which protection begins and expires and, where applicable, premature surrender or the decision declaring forfeiture of the owner's rights.

The entry shall be supplemented, where applicable, by mention of judicial decisions as to ownership of the right.

The entry shall be further supplemented by mention of any transactions concerning the transfer of ownership of the breeders' rights, assignment or the grant of exploitation rights, licenses of authority, and any other transactions for the transfer or modification of the rights attaching to a new plant variety certificate. These additional entries shall be made subject to payment of a fee.

41. — The supplementary entries relating to judicial decisions shall be made at the request of the registrar of the court which rendered the decision, and other entries at the request of any interested party, on presentation of one of the originals of the deed of transaction if it is a private agreement, or a certified copy thereof, or a document evidencing the transfer in the case of transfer by succession.

42. — Any person shall be issued, on request and against payment of the prescribed fee, with copies of supplementary entries in the National Register of New Plant Variety Certificates, or certificates stating that no entries exist.

## CHAPTER VII

*Appeals against Decisions of the Committee for the Protection of New Plant Varieties*

43. — The period for lodging appeals before the Paris Court of Appeal against decisions of the Committee for the Protection of New Plant Varieties shall be one month. Where the appellant resides outside metropolitan France, the period shall be increased by one month if he resides in Europe and by two months if he resides in any other part of the world.

44. — The appeal period referred to in the preceding Section shall run from the date of receipt by the appellant of the notification of the Committee's decision.

45. — The appeal shall be filed by petition addressed to the First President of the Paris Court of Appeal by the appellant himself, by an attorney practising at the Court of Appeal, or by an Attorney-at-Law duly registered at a Bar.

Where the appellant does not appear in person he may be represented or assisted in the manner described in the first paragraph of this Section.

46. — Where the appellant is not the applicant for a new plant variety certificate, the applicant shall be summoned to the proceedings by the Chief Registrar of the Court of Appeal by registered letter with a request for advice of receipt.

47. — The Court of Appeal shall render its decision after hearing the Public Prosecutor.

48. — Any appeal lodged against a decision of the Committee for the Protection of New Plant Varieties shall be notified to the Committee within fifteen days by the Registrar of the Court of Appeal by registered letter with a request for advice of receipt.

The decision rendered by the Court on the appeal shall be notified to the applicant and to the Committee for the Protection of New Plant Varieties by the Registrar in the same manner.

49. — The Registrar shall send a copy of the decision rendered to the Committee for the Protection of New Plant Varieties.

The decision shall be entered ex officio in the National Register of New Plant Variety Certificates.

The decision of the Court of Appeal shall come into effect within two months of its notification.

#### CHAPTER VIII

##### *Applications for New Plant Variety Certificates Relevant to National Defense*

50. — Specially empowered delegates of the Minister responsible for national defense, whose names and qualifications have been brought to the knowledge of the Minister of Agriculture by the Minister responsible for national defense, shall take cognizance of applications filed for new plant variety certificates at the headquarters of the Committee for the Protection of New Plant Varieties.

The applications shall be submitted to the delegates within fifteen days of their receipt by the Committee for the Protection of New Plant Varieties.

When so requested by the delegates of the Minister responsible for national defense, the Committee for the Protection of New Plant Varieties shall, if it has not already done so, invite the breeder or his successor in title to provide in as short a time as is compatible with the means of reproduction or vegetative propagation of the variety, the material referred to in Section 5(c) above and communicate it on receipt to the delegates of the Minister responsible for national defense.

51. — With respect to applications for new plant variety certificates relating to varieties belonging to the species in-

cluded in the list fixed by order issued under Section 18 of the Law of June 11, 1970, the procedures provided for in Chapter II (initial examination of applications for certificates) and Chapter III (issue of titles of protection) of this Decree may not, except where special authorization as provided for in the aforesaid Section 18 has been given, be carried on during the period in which the prohibitions specified in that Section are in force; neither may they be carried on during the period for which the prohibitions have been extended under Section 19 of the Law.

During the period of prohibition the annexing to the Register of Applications, provided for in Section 39 above, of the breeder's description of the variety and of the breeding process shall also be suspended.

52. — Requests for authorization to disclose and freely use a new plant variety belonging to one of the species referred to in the preceding Section before the end of the period specified in Section 18 of the Law of June 11, 1970, shall be submitted to the Committee for the Protection of New Plant Varieties; they may be submitted as soon as the application for a certificate has been filed. Authorization shall be notified to the applicant by the Minister of Agriculture on the advice of the Minister responsible for national defense.

In the absence of such authorization, a request for special authorization to perform specific acts of exploitation may, at any time, be submitted directly by the owner of the application for a certificate to the Minister responsible for national defense, who — if he grants the authorization requested — shall specify the conditions to which such acts shall be subject.

Where the special authorization concerns the assignment of the application for a certificate or the granting of an exploitation license, the Minister responsible for national defense shall send a copy of his decision to the Minister of Agriculture.

53. — The official request, sent to the Minister of Agriculture by the Minister responsible for national defense, for the extension of the prohibitions on disclosure and free use of a new plant variety which is the subject of an application for a certificate must reach the Committee for the Protection of New Plant Varieties not later than fifteen days before the end of the five-month period provided for in Section 18 of the Law of June 11, 1970.

Any request for the renewal of an extension must arrive in the same way not later than fifteen days before the end of the current period of one year.

The extension of the prohibition of disclosure and free use shall be declared by order of the Minister of Agriculture and notified to the applicant before the end of the current period of prohibition.

Special authorization to carry out specific acts of exploitation may be granted under the conditions provided for in the second and third paragraphs of Section 52 of this Decree.

The Minister responsible for national defense may at any time inform the Minister of Agriculture of the lifting of prohibitions extended under Section 19 of the Law of June 11, 1970. This measure shall be incorporated in an order of the

Minister of Agriculture and notified to the owner of the application for a certificate.

54. — Sections 17, 18 and 20 of Decree No. 68-1100 of December 5, 1968<sup>4</sup>, Section 39 of Decree No. 69-975 of October 18, 1969<sup>5</sup>, in implementation of Law No. 68-1 to Promote Inventive Activity and Revise the Patent System, of January 2, 1968<sup>6</sup>, shall apply to requests submitted and proceedings instituted under Sections 19 and 20 of the Law of June 11, 1970.

#### CHAPTER IX

##### *Miscellaneous Provisions*

55. — The notifications provided for in this Decree and in Section 13 of the Law of June 11, 1970 mentioned above, shall be made by registered letter with a request for advice of receipt.

56. — Any notification shall be deemed to be in order if it is made to the last owner of the application for a new plant variety certificate or of the new plant variety certificate itself, as appearing in the Register of Applications for New Plant Variety Certificates or in the National Register of New Plant Variety Certificates.

If the owner is domiciled abroad, notification shall be made to the last agent at the last address for service communicated to the Committee for the Protection of New Plant Varieties.

57. — All periods prescribed by this Decree shall be in whole days. Neither the day of the act or decision which causes the period to run nor the last day shall be counted.

Any period which normally would expire on a Saturday, Sunday or public holiday shall be extended to the next working day.

58. — Applications for new plant variety certificates filed under Section 36 of the Law of June 11, 1970 mentioned above shall be examined and the new plant variety certificates issued according to the procedure established by this Decree, with the following provisos:

(a) to be admissible, applications must be filed not later than December 31 of the year following that in which the Law of June 11, 1970 mentioned above was declared to apply to the species to which the variety belongs;

(b) the declaration of non-commercialization provided for in Section 5(a) of this Decree shall refer to non-commercialization as on the date of the patent application, of entry in a French or foreign official catalog or of enrolment in a French professional association approved by the Committee for the Protection of New Plant Varieties.

59. — The *tribunaux de grande instance* hearing civil actions instituted under Section 33 of the Law of June 11, 1970 mentioned above shall be those designated in Section 1 of Decree No. 68-1098 of December 5, 1968<sup>7</sup>, in implementation of the Law of January 2, 1968 mentioned above.

60. — The detailed description, with or without seizure of goods, of the plants, parts of plants, or any elements for the reproduction or vegetative propagation of the variety alleged to constitute infringement, as provided for in Section 27 of the Law of June 11, 1970 mentioned above, shall be ordered by the president of the *tribunal de grande instance* or, in Overseas Territories, of the court of first instance within whose jurisdiction the operations are to be carried out.

The order shall be issued on request and on presentation of either the new plant variety certificate or, in the case provided for in Section 26 of the Law mentioned above, of a certified copy of the application for a new plant variety certificate.

If the request is made by the owner of an exclusive exploitation right or of a license of authority as provided for in Sections 12 and 15 of the Law of June 11, 1970 mentioned above, the applicant must provide proof of inaction on the part of the owner of the new plant variety certificate after formally requesting him to take action.

61. — When seizure of goods is ordered, the judge may require security to be deposited by the applicant before the seizure is effected.

On pain of nullity and an action for damages against the bailiff, the latter must, before effecting seizure, serve a copy of the order and, where applicable, the document certifying the deposit of security on persons having plants, parts of plants or elements for the reproduction or vegetative propagation of the respective variety in their possession. A copy of the report on the seizure shall also be given to such persons.

62. — The period provided for in the second paragraph of Section 27 of the Law of June 11, 1970 mentioned above for bringing an action before the court shall be fifteen days from the date of seizure or description.

63. — Orders issued by the Minister of Agriculture on the advice of the Committee for the Protection of New Plant Varieties shall determine as and when necessary the conditions for the application of this Decree.

64. — This Decree shall apply to the territories of New Caledonia, French Polynesia, St. Pierre and Miquelon, Wallis and Futuna and the French Southern and Antarctic Territories.

65. — The Minister of State responsible for national defense, the Minister of State responsible for the Overseas Departments and Territories, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Industrial and Scientific Development, the Minister of Agriculture, the Minister for Public Health and Social Security and the Secretary of State for Light and Medium Industry and Handicraft shall each be responsible, within his sphere of interest, for the implementation of this Decree, which shall be published in the *Journal officiel* of the French Republic.

<sup>4</sup> *Industrial Property*, 1969, p. 115.

<sup>5</sup> *Industrial Property*, 1970, p. 122.

<sup>6</sup> *Industrial Property*, 1968, p. 67.

<sup>7</sup> *Industrial Property*, 1969, p. 128.

## II

## Order

## Determining the Applications for Patents and Patents of Addition that are Subject to a Documentary Report

(Paris, September 3, 1971)

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1. — In addition to those provided for in the Orders referred to above of December 5, 1968<sup>1</sup>, September 8, 1969<sup>2</sup> and September 25, 1970<sup>3</sup>, 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 Patent Classification listed below, shall be subject to the provisions of Chapter VI of Decree N° 68-1100 of December 5, 1968<sup>4</sup>.

IPC Symbols	Technical Branches
A 01 g	Culture of vegetables, flowers, fruit, vines, and hops; forestry; watering.
A 01 j	Manufacture of dairy products.
A 01 k	Animal husbandry; care of birds, fishes, insects; fishing.
A 01 m	Catching and trapping of animals; apparatus for the destruction of noxious animals and noxious plants.
A 22 c	Processing meat, poultry, or fish.
A 23 b	Preserving meat, fish, eggs, fruit, vegetables, edible seeds; the preserved or canned products.
A 23 g	Cocoa; chocolate; confectionery; ice-cream; preparation thereof.
A 23 j	Obtaining and working-up of proteins and phosphatides for foodstuffs.
A 23 k	Animal feeding-stuffs; their preparation and preservation.
A 23 l	Foodstuffs and non-alcoholic beverages; their preparation and preservation.
A 23 n	Machines or apparatus for treating harvested fruit or vegetables in hulk; apparatus for preparing animal feeding-stuffs.
A 23 p	Shaping or working of foodstuffs in general.
A 41 b	Underwear; baby lines; handkerchiefs.
A 41 c	Corsets and brassières.
A 41 d	Outerwear.
A 41 f	Garment fastenings; suspenders.
A 42 b	Hats; head coverings.
A 42 c	Manufacturing and trimming hats and other head coverings.
A 44 c	Jewellery, bracelets, other personal adornment; coins.
A 47 g	Household equipment for the living rooms; table equipment.
A 47 h	Curtains or other furnishings for windows and doors.
A 47 j	Kitchen equipment; household utensils.
A 61 h	Devices for medical and respiratory gymnastics; artificial respiration, massage and medical bathing.
A 61 m	Devices for introducing media into or onto the body, for transducing body media, or for taking media from the body — for medical purposes.

IPC Symbols	Technical Branches
A 62 d	Chemical means for extinguishing fires, or combating or protecting against chemical warfare agents; chemical materials for use in breathing apparatus.
A 63 c	Skates or roller skates; skis; water-shoes; courts or rinks.
B 01 b	Boiling.
B 01 d	Evaporation, distillation, crystallisation, filtration, precipitation of particles, cleansing of gases, absorption, adsorption or similar separation.
B 01 f	Dissolving, emulsifying, dispersing or otherwise mixing.
B 01 j	Colloid chemistry; catalysis; chemical and/or physical processes and apparatus.
B 01 l	Laboratory apparatus for general use.
B 04 b	Centrifuges.
B 04 c	Apparatus using free vortex flow, e.g. cyclones.
B 07 b	Separating solids from solids by sieving, screening, or sifting or by using gas currents; other separating by dry methods applicable to bulk material.
B 21 c	Manufacture of metal sheets, wire, rods, tubes or profiles, otherwise than by rolling; auxiliary operations used in connection with metal-working without essentially removing material.
B 21 g	Making needles, pins, or nails.
B 21 h	Making particular metal objects by rolling.
B 21 l	Making chains.
B 22 f	Working metallic powder; manufacture of articles from metallic powder.
B 23 k	Soldering; welding; cutting by applying heat locally, e.g. flame cutting.
B 27 k	Impregnating wood or similar materials.
B 29 b	Preparation or pre-treatment of the plastic material to be shaped.
B 29 f	Shaping of thermoplastic substances.
B 29 g	Shaping of thermosetting substances.
B 29 h	Working of rubbers.
B 43 k	Instruments for writing; drawing-pens.
B 43 l	Articles for writing or drawing upon; accessories for writing or drawing.
B 43 m	Bureau accessories, such as sealing devices and devices for closing and opening envelopes.
B 60 l	Electric equipment or propulsion of electrically-propelled vehicles.
B 60 p	Vehicles adapted for load transportation or to carry special objects.
B 65 d 27/00 to 37/00	Flexible and transportable containers.
B 65 f	Gathering or removal of domestic or like refuse.
B 65 j	Container traffic.
B 66 b	Elevators.
B 67 b	Applying closure members to bottles, jars or similar containers; devices for opening closed containers.
C 01 b 1/00 to 13/00, 17/00 to 35/00	Non-metallic elements, metalloids and their compounds, except those covered by C 01 c and peroxides, peracids and salts thereof.
C 01 c	Ammonia and cyanogen and their compounds.
C 01 d	Compounds of alkali metals.
C 02 b	Treatment of water in general.
C 02 c	Treatment of sewage and waste water.
C 02 d	Water impregnated with carbon dioxide or other gases; manufacture and treatment thereof.
C 03 c 12/00	Powdered glass (chemical part).
C 04 b 33/00 to 43/00	Ceramics; sound and thermal insulating materials; treatment of stone and ceramics.
C 06 b	Explosives and manufacture thereof.
C 06 c	Detonating or priming compositions; non-electric detonators; fuses; chemical lighters; pyrophoric compositions.
C 06 d	Fireworks; generation of smoke, mist and pressure gases.

<sup>1</sup> *Industrial Property*, 1969, p. 129.<sup>2</sup> *Industrial Property*, 1970, p. 126.<sup>3</sup> *Industrial Property*, 1971, p. 123.<sup>4</sup> *Industrial Property*, 1969, p. 115.

IPC Symbols	Technical Branches	IPC Symbols	Technical Branches
C 06 f	Matches; manufacture thereof.	C 12 h	Pasteurization, sterilization, preservation, purification, clarification, ageing of alcoholic beverages.
C 07 b	General methods and apparatus of organic chemistry.	C 12 j	Vinegar; its preparation.
C 07 c 1/00 to 15/00, 27/00 to 75/00	Hydrocarbons, acyclic and carbocyclic compounds having hydrogen or halogens in addition to carbon and oxygen.	C 12 k	Microbiological research; isolation, identification and preparation of microorganisms, including viruses; cell or tissue culture; microbiological materials and apparatus.
C 07 d 1/00 to 31/00	Heterocyclic compounds having as the hetero atom only oxygen or only nitrogen containing one or more rings consisting of one nitrogen atom and two to five carbon atoms, with the exception of condensed rings of the quinoline, isoquinoline and acridine types.	C 12 l	Pitching and depitching machines for casks; brewing devices; cellar tools.
C 07 f	Organic compounds containing elements, outside any ring, other than hydrogen, halogens, oxygen, nitrogen, sulphur, selenium, and tellurium, with or without the latter specified elements.	C 13 c	Slicing raw sugar materials; cutting mills; shredding knives; pulp presses.
C 07 g	Miscellaneous organic compounds of unknown constitution.	C 13 d	Production and purification of sugar juices.
C 08 b	Polysaccharides and their derivatives.	C 13 f	Preparation and processing of sugar and syrup.
C 08 f 1/00, 5/00, 7/00, 29/00 to 33/00	Methods of polymerisation; compositions based on polymers of acyclic compounds containing carbon-to-carbon double bonds; polymers of compounds containing carbon-to-carbon double bonds in a carbocyclic or heterocyclic ring, or in side chains, and compositions containing them.	C 13 g	Evaporation apparatus and boiling pans for the sugar industry.
C 09 b 7/00 to 25/00, 47/00 to 67/00	Organic dyes or closely-related compounds for producing dyes, with the exception of anthracene or azo dyes; mordants; lakes.	C 13 h	Cutting, sorting and packing machines for sugar.
C 09 c	Preparation of inorganic pigments or non-fibrous fillers; treatment of inorganic materials, other than fibrous fillers, to enhance their pigmenting or filling properties.	C 13 j	Extraction of sugar from molasses.
C 09 d	Inks; paints; varnishes; lacquers; chemical paint removers; pastes and solids for coloring and printing.	C 13 k	Glucose; invert sugar; lactose; maltose; other sugars.
C 09 f	Natural resins; French polish; drying-oils; driers (siccatives); turpentine.	C 13 l	Starch; dextrine; similar carbohydrates.
C 09 g	Polishing compositions other than French polish; ski waxes.	C 21 d	Hardening and annealing of steel, iron, or articles made therefrom; general devices for heat treatment of metals or alloys; making malleable treatments.
C 09 h	Preparation of glue or gelatine.	C 23 d	Enamelling of, and applying a vitreous layer to, metals.
C 09 j	The use of materials other than glue as adhesives; adhesive processes in general.	C 23 g	Cleaning and de-greasing of metallic objects by chemical methods other than electrolysis.
C 09 k	Miscellaneous compositions; miscellaneous applications of materials.	D 01 b	Mechanical treatment of natural fibrous or filamentary material to obtain fibres or filaments.
C 10 b	Destructive distillation of carbonaceous materials for production of gas, coke, tar, and similar materials.	D 01 c	Chemical treatment of natural filamentary or fibrous material to obtain filaments of fibres for spinning; carbonising rags to recover animal fibres.
C 10 c	Working-up pitch, asphalt, bitumen, tar; production of pyrolytic acid.	D 01 d	Mechanical part in the manufacture of artificial filaments, threads, fibres, bristles, or ribbons.
C 10 f	Cutting, drying, and working-up of peat.	D 01 f	Chemical features in the manufacture of artificial filaments, threads, fibres, bristles, or ribbons.
C 10 h	Production of acetylene by wet methods; its purification.	D 01 g	Preliminary treatment of fibres.
C 10 j	Production of producer gas, water-gas, synthesis gas from solid carbonaceous material, or mixtures containing these gases; carburetting air or other gases.	D 02 h	Warping, beaming, or leasing.
C 10 k	Purifying or modifying the chemical compositions of combustible technical gases containing carbon monoxide.	D 03 c	Weaving: shedding mechanisms; pattern cards and chains; designing patterns.
C 10 l	Fuels in general; adding materials to fuels or fires to reduce smoke or undesirable deposits or to facilitate soot removal; firelighters.	D 03 j	Auxiliary weaving apparatus; weavers' tools; shuttles.
C 11 d	Detergent compositions; the use of single substances as detergents; soap and soap-making; resin soap; recovery of glycerol.	D 06 f	Laundrying.
C 12 b	Fermentation processes and apparatus; media.	E 01 g	Tunnels.
C 12 c	Brewing; ethanolic fermentation; production of yeast.	E 01 h	Cleaning of streets, permanent ways or beaches; dispersing fog.
C 12 d	Production of chemical substances, other than ethanol, by fermentation or biosynthesis.	E 02 f	Dredging; soil-shifting.
C 12 f	Distillation and rectification of fermented solutions; recovery of by-products; denatring of, and denatured alcohol.	E 06 b	Doors, windows, shutters, or roller blinds.
C 12 g	Wine and other alcoholic beverages not provided for under C 12 c; preparation thereof.	E 21 c	Mining or quarrying.
		E 21 d	Shafts; galleries; lining galleries.
		E 21 f	Mining equipment: ventilation, transport, filling up, safety devices, rescue.
		F 17 b	Gas-holders of variable capacity.
		F 17 c	Vessels for containing or storing compressed, liquefied or solidified gases; fixed-capacity gas-holders; decantation and vaporisation of liquefied or solidified gases.
		F 17 d	Pipe systems; pipe-lines.
		F 21 h	Mantles; other incandescent bodies heated by combustion.
		F 21 k	Special light sources, e.g. those using luminescence or combustible material.
		F 21 l	Portable lighting devices.
		F 21 m	Non-portable beam lighting devices or systems.
		F 21 p	Non-portable devices or systems for flood-lighting buildings, lighting fountains, lighting stages and festival lighting.
		F 21 q	Non-portable lighting devices for signalling.
		F 21 s	Special non-portable lighting devices or systems.

IPC Symbols	Technical Branches	IPC Symbols	Technical Branches
F 21 v	Details of lighting devices, of general application.	H 01 f 1/00 to 13/00	Magnets; electromagnets.
F 23 g	Cremation furnaces; consuming waste products by combustion.	H 01 g	Capacitors; rectifiers, detectors, switching devices, or light-sensitive devices, of the electrolytic type.
F 23 q	Lighters; ignition and extinguishing-devices for combustion apparatus.	H 01 h 1/00 to 5/00, 9/00 to 41/00	Electric switches with the exception of time program switches: general details of switches; relays or protective devices.
F 24 b	Domestic stoves and ranges for solid fuels.	H 01 j	Electric discharge tubes or lamps.
F 24 c	Domestic stoves and ranges, other than those covered by F 24 b; details of domestic stoves and ranges, of general application.	H 01 m 1/00 to 25/00	Primary cells or batteries, except fuel batteries, with the exception of their servicing; details of primary or secondary cells or batteries.
F 24 f	Air-conditioning; ventilation; use of air currents for screening.	H 01 r 15/00 to 23/00	Disconnectible connections with two-part couplings with one or more conductors.
F 25 b	Refrigeration machines, plants, or systems; combined heating and refrigeration systems.	H 02 j	Circuit arrangements for supplying or distributing electric power.
F 28 b	Steam or vapor condensers.	H 02 k	Dynamo-electric machines.
F 28 c	Heat-exchange apparatus in which the heat exchange media come into direct contact without chemical interaction.	H 02 n	Special electric machines, e.g. electrostatic or thermal generators or motors or those using an ionized or conductive liquid.
F 28 g	Cleaning of surfaces of heat-exchange or heat-transfer conduits.	H 05 b	Electric heating; light sources: arc or electroluminescent; circuits for electric lighting.
G 01 c	Measuring distances, levels, or bearings, for surveying or navigation; gyroscopic instruments.	H 05 g	X-ray technique.
G 01 h	Measurement of mechanical vibrations.	H 05 h	Plasma technique; production of accelerated electrically-charged particles or of neutrons.
G 01 k	Measuring temperature; measuring quantity of heat; thermally-sensitive elements for general application.	H 05 k	Printed circuits; casings or constructional details of electric apparatus; manufacture of assemblies of electrical components.
G 01 v	Geophysics; detecting hidden masses.		
G 02 c	Spectacles.		
G 02 f	Modulating or demodulating light; optical logic elements; optical analogue-digital converters.		
G 03 c	Photosensitive compositions or bases carrying them; photographic processes; auxiliary processes in photography.		
G 07 d	Sorting, testing, changing, delivering, or otherwise handling coins; testing or changing paper currency.		
G 07 f	Coin-freed and like apparatus.		
G 07 g	Registering the receipt of cash, valuables, or tokens.		
G 11 b 1/00 to 5/00	Information storage of a mechanical or magnetic type associated with a method of reproduction of the corresponding type. Cases and stands of recording apparatus in general.		
H 01 c	Resistors.		

2. — The classification symbols that are assigned by the National Institute of Industrial Property to applications for patents and for patents of addition shall solely be decisive for the purposes of the application of Chapter VI of Decree N° 68-1100 of December 5, 1968, under the conditions laid down in Section 101 of that Decree.

3. — The Director of the National Institute of Industrial Property is entrusted with the implementation of this Order, which shall be published in the *Journal officiel* of the French Republic, to take effect on January 1, 1972.

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*LETTERS FROM CORRESPONDENTS*

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**Letter from the Federal Republic of Germany**

by Friedrich-Karl BEIER \* and Paul KATZENBERGER \*\*













1968 (53,656), when there was a rush of applications during the last few months before the entry into force of the new law.

While the number of patent applications filed in France — if one disregards the 1968 figure — oscillates between 45,000 and 50,000, about 65 to 70% of these come from abroad. The number of national applications was 14,106 in 1970 (12,974 in 1969).

As a result of the progressive entry into force of the new law by branches of technology, 10,328 patent applications became subject in 1970, by reason of the classification they were assigned, to the immediate or deferred procedure for a report on the state of the art. 3,700 of the applications were transmitted to the International Patent Institute for an immediate report. While the report itself is prepared for the INPI by the International Patent Institute, the other stages of the procedure (classification of the application, examination of the applicant's and third parties' observations, etc.) are carried out directly by the INPI.

It should be noted that, of the 47,283 applications received in 1970, the number of applications for utility certificates is very small — 358 (316 in 1969). The lack of interest in this new kind of protection can be explained by the fact that, since 75% of the patent applications were in any case not subject to the report on the state of the art procedure, there seemed to be no point in opting for a utility certificate right from the start. The number of utility certificates issued may however be expected to increase steadily as more and more applications become subject to the report procedure, for the cost of the procedure and the waiting periods which the issue of the patent involves might induce applicants to opt, either at once or later, for the cheaper and faster utility certificate procedure, in spite of the short period of protection afforded.

In decreasing order, the branches of technology in which the greatest number of applications for protection were received are: chemistry (6,808 applications), physics (6,174 applications), electricity (5,475 applications) and transport and handling (4,900 applications).

Parallel to the entry into force of the new law, the INPI has continued to process patent applications filed under the old legislation. Thus, only 8,351 patents and utility certificates were issued under the new law in 1970, whereas, in the same year, the INPI issued 17,100 patents and 846 special patents for medicaments, where the relevant application had been filed prior to January 1, 1969. The necessity of processing several different types of patent applications at the same time, in order especially to eliminate as quickly as possible the remainder of the applications filed before January 1, 1969, combined with staff shortages, had an adverse effect on the publication of patent applications and the issue of patents applied for under the new law.

The introduction of the system whereby the forfeiture of patent applications or patents is declared on failure to pay annual fees resulted in the sending of 34,604 notices of forfeiture in 1970. The number of actions for the restoration of patents declared forfeit by the INPI was very small (162 in 1970), since failure to pay annual fees in most cases amounted to a voluntary surrender of the patent. In 1970, the Paris Court of Appeal rendered 60 judgments confirming forfeiture and 24 restoring forfeited patents.

### Trademarks and Industrial Designs

In 1970 the INPI received 21,794 applications for the registration of marks, 3,463 coming from persons abroad. It examined 21,114 marks filed in France and 10,520 international marks (under the Madrid Agreement). The examination, which relates not to the novelty of the mark filed but to the question whether it may be regarded as a mark in terms of the law in force (Section 3 of the Law of December 31, 1964, as amended), resulted in 1,800 notices of irregularity and 863 rejections. In the course of the same year 27,487 marks were registered and published.

The number of designs deposited in 1970 was 12,759 forming a total of 4,065 deposits.

### Effect on the Operation of the INPI

The implementation of the new patent legislation has had a considerable effect on the various services.

First and foremost there is the introduction of publications meeting the new legal requirements, particularly with regard to the laying open to the public within the eighteen-month period. This involves on one hand lists of published applications, reproduced in offset on the basis of computer listings, and on the other hand the various documents relating to the patent applications and the patents issued. These documents are also printed in offset by photographing the original text of the applications. However, the bulletin of abstracts of patent specifications issued by the INPI is still printed by classic typographical methods, but now it is used for applications.

The computer mentioned earlier has been used on a time-sharing basis since 1969, especially for the publication of applications after 18 months, the calculation of due dates for annual fees and the sending of notices of forfeiture (preceded by a "reminder"), lists of lapsed patents, and various statistics. At present the possibility of computerizing other patent operations is being investigated.

Staff strength has been increased, especially as a result of the recruitment of technical examiners; in 1970 it stood at 586, and this figure is expected to increase to 670 in 1972. The increase in staff has led to a search for new premises for the patent service, with decentralization in other services: the designs service has been installed in the building which the INPI had built for records and offices in Compiègne, 50 miles from Paris; the Central Register of Commerce, managed by the Institute, has been moved to a rented building in Arcueil on the southern outskirts of Paris; and the transfer of the trademarks service to rented premises in Paris took place at the end of 1971. There are also plans to make more rational use of the offices in rue de Leningrad, by increasing the height of some of them.

### Financial Implications

The INPI is a public establishment with legal personality and financial autonomy. It has to meet its expenditure out of its own income (fees and reserves).

In 1970 its budget amounted to 50,259,990 francs (1967: 33,143,933 francs; 1971: 55,609,375 francs; 1972 forecast: 73,310,082 francs). The accounts for the financial year showed

an operating profit of 7,783,058 francs. It should be pointed out however that this surplus is due to expenditure which was provided for but not made owing to delays in recruitment and in publication. The income from industrial property fees amounted to 38,094,556 francs, of which 34,764,817 came from patents; the latter figure includes no less than 23,586,435 francs from annual fees alone.

The two main expense items are printing (official bulletins and patent documents) at 15,981,289 francs, and staff at 11,624,644 francs. One expense which is bound to increase considerably is the fees paid to the International Patent Institute for reports on the state of the art: these amounted to 3,613,000 francs in 1970.

### International Cooperation

A number of international meetings took place in 1970 in which the participation of France was called for, in particular the Washington Diplomatic Conference for the adoption

of the PCT. The INPI was also represented at other important industrial property meetings, including those of the Intergovernmental Conference on the European patent at Luxembourg; the International Patent Classification meetings, which led to the Strasbourg Diplomatic Conference in March 1971; the first administrative meetings of WIPO in Geneva in September 1970; and several trademark meetings (Committee of Directors of National Industrial Property Offices of the Madrid Union, working groups on the Classification of the Figurative Elements of Marks and the Classification of Goods and Services etc.). INPI representatives also took part in some meetings of ICIREPAT. In October 1970 France signed a new international agreement, namely the NATO Agreement on the Communication of Technical Information for Defense Purposes, which was negotiated in the industrial property working group of NATO and which seems to be the first attempt to afford legal protection to know-how other than by contract.

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## CALENDAR

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### WIPO Meetings

**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, Lishon and Locarno Unions**

**October 2 to 9, 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

- 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
- 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

- 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
- June 9 and 10, 1972 (Copenhagen) — International Federation of Inventors Associations — Annual Assembly
- 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:
- May 15 to 20, 1972 (Brussels) — Coordination Committee
- June 19 to 30, 1972 (Luxembourg) — Intergovernmental Conference

## VACANCY IN WIPO

Applications are invited for the following post:

*Competition No. 179*

*Technical Assistant*

(Administrative Division / New Buildings Section)

*Category and grade:* P.1 / P.2 according to qualifications and experience of the incumbent.

*Duties:*

The incumbent will be required to assist the Head of the New Buildings Section, particularly in administrative and technical work associated with the construction of a new headquarters building (approximate volume 60,000 m<sup>3</sup>) in Geneva. In this connection, his main duties will be the following:

(a) Study of plans for building, installation and decoration, in order to ensure their conformity with the instructions and needs of WIPO.

- (b) Assessment of the prospective requirements of the various services with regard to offices and equipment, taking into account the implications of such requirements in relation to the building plans and installation projects; collaboration in the estimation of the corresponding costs.
- (c) Contacts with firms asked to submit tenders for equipment and services; comparative analysis of estimates and contract proposals; proposals for the attention of his superiors.
- (d) Correspondence relating to the various activities of the Section (to be signed by the incumbent or by his superiors, as the case may be) and collaboration in the preparation of documents intended for the administrative bodies of the Organization.
- (e) On-site examination of work progress and, where appropriate, of any alterations which may give rise to changes in the building program or increased costs; preparation of reports on the subject.
- (f) Participation in the preparation of budgetary provisions for the financing of the building program.
- (g) In connection with the above-mentioned duties, contacts with architects, contractors and the competent public services.
- (h) Collaboration in the establishment of all files and internal documentation relating to the various activities of the Section.  
(It is anticipated that, after completion of the building, the duties of this post will relate to technical and administrative matters concerning the maintenance, operation and equipping of the building.)

*Qualifications required:*

- (a) University degree or advanced technical diploma in the field of construction; or professional training of equivalent standard. Good cultural background.

- (b) Experience of technical and administrative work in the building industry (experience acquired with a firm of architects or in connection with duties — similar to those mentioned above — assumed in a private firm or an organization). Knowledge of prevailing building standards in Geneva would be an advantage.
- (c) Very good knowledge of French and good knowledge of English. Ability to draft documents.
- (d) Ability to maintain professional contacts and to submit proposals under limited supervision.

*Nationality:*

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

*Age limit:*

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

*Date of entry on duty:*

To be agreed.

*Applications:*

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

*Closing date:* June 10, 1972

## VACANCY IN UPOV

### (International Union for the Protection of New Plant Varieties)

#### *Competition No. 3*

#### *Administrative and Technical Assistant*

Applications are invited for the following post:

*Category and grade:* P.2/P.3 according to qualifications and experience of the incumbent.

*Principal duties:*

In general, the incumbent will assist the Vice Secretary General in the administration of the Office of UPOV as well as in all tasks falling within the terms of reference of the UPOV Convention. In this connection, his duties will in particular include the following:

- (a) drafting and editing of documents for meetings of the Council of UPOV and other bodies set up by the Council or the Secretariat, participating in such meetings and preparing the related minutes;
- (b) participating as necessary in meetings not organized by the Office;
- (c) advising as to acquisitions for a special library to be established;
- (d) participating in the establishment of a glossary of special UPOV terms;
- (e) setting up and maintaining up-to-date comparative lists of species protected in Member States;
- (f) cooperating with the appropriate services of WIPO in administrative matters and translation work as necessary.

*Qualifications:*

- (a) University degree in a relevant field of agriculture, horticulture, botany or a related science or an equivalent qualification from a recognized institution for advanced studies in the fields referred to.

- (b) Experience in questions related to agriculture, horticulture or botany which will enable the incumbent to deal with relevant technical problems.
- (c) Knowledge of problems related to plant breeders' rights including their international aspects would be an advantage.
- (d) Experience in office administration, including preparation of working documents.
- (e) Excellent knowledge of one of the working languages of UPOV (English, French or German) and at least a good knowledge of one of the other two. Some knowledge of the third would be highly desirable.

*Nationality:*

Candidates must be nationals of one of the Member States of UPOV (Denmark, France, Germany (Fed. Rep.), Netherlands, Sweden and United Kingdom) or of one of the States which have signed but not yet ratified the Convention for the Protection of New Varieties of Plants (Belgium, Italy and Switzerland).

*Age Limit:*

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

*Date of entry on duty:*

To be agreed.

*Applications:*

*Application forms* and full information regarding the *conditions of employment* may be obtained from the Secretary General of UPOV, 32, chemin des Colombettes, Geneva, Switzerland. Please refer to the number of the Competition.

*Closing date:* June 10, 1972.