

Industrial Property

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ORGANIZATION (WIPO)

and the United International Bureaux for the
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Madrid Agreement (Marks)

Accession to the Stockholm Act

ALGERIA

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 Algeria deposited, on March 24, 1972, its instrument of accession, dated January 20, 1972, to the Madrid Agreement concerning the International Registration of Marks of April 14, 1891, as revised at Stockholm on July 14, 1967.

Referring to Article 3^{bis}(1) of the Stockholm Act, the Government of Algeria declared that it reserved the right not to extend the protection resulting from the international registration to its territory except at the express request of the proprietor of the mark.

Pursuant to the provisions of Article 14(4)(b), the Stockholm Act of the Agreement will enter into force, with respect to Algeria, three months after the date of the notification, that is, on July 5, 1972.

Madrid (Marks) Notification No. 14, of April 5, 1972.

Nice Agreement

Accession to the Stockholm Act

ALGERIA

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 Algeria deposited, on March 24, 1972, its instrument of accession, dated January 20, 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 Agreement will enter into force, with respect to Algeria, three months after the date of the notification, that is, on July 5, 1972.

Nice Notification No. 21, of April 5, 1972.

Lisbon Agreement

Accession to the Stockholm Act

ALGERIA

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 Algeria deposited, on March 24, 1972, its instrument of accession,

dated January 20, 1972, to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of October 31, 1958, as revised at Stockholm on July 14, 1967.

A separate notification will be made of the entry into force of the Stockholm Act of the Agreement when the required number of ratifications or accessions is reached.

Lisbon Notification No. 7, of April 5, 1972.

Patent Cooperation Treaty (PCT)

Ratification

MADAGASCAR

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 Madagascar deposited, on March 27, 1972, its instrument of ratification, dated March 16, 1972, of the Patent Cooperation Treaty (PCT) adopted at Washington on June 19, 1970.

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

PCT Notification No. 3, of April 5, 1972.

Strasbourg Agreement

Accession

IRELAND

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 Ireland deposited on April 19, 1972, its instrument of accession, dated March 24, 1972, to the Strasbourg Agreement Concerning the International Patent Classification of March 24, 1971.

A separate notification will be made of the entry into force of the Strasbourg Agreement, when the required number of ratifications or accessions is reached.

Strasbourg Notification No. 2, of April 28, 1972.

worldwide patent documentation service, the Republic of Austria shall, according to Austrian law, establish an International Patent Documentation Center with headquarters in Vienna" (Article I) and defines the tasks of the Center as well as the role that WIPO would play in assisting it and in the management of it. The draft agreement now awaits signature and ratification for it to enter into force. (Once it has entered into force, the full text of the agreement will be published in this periodical.) In the meantime, the Austrian Government plans to negotiate, with the assistance of WIPO, detailed bilateral working agreements between the prospective Vienna Center and the national Offices as well as the International Patent Institute.

List of Participants*

I. Members of the Standing Subcommittee

Austria: T. Lorenz; W. Pilch; F. Ceska. Germany (Federal Republic): K. H. Hofmann; R. von Schleussner (Mrs.). Japan: K. Matsuie; K. Takami. Netherlands: J. Dekker. Soviet Union: E. Artemiev; V. Evgeniev. Sweden: S. Lewin; B. Hansson. United Kingdom: D. G. Gay. United States of America: R. A. Wahl; E. A. Hurd. International Patent Institute: P. van Waasbergen; L. F. W. Knight.

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

II. Observer Member of the Standing Subcommittee

Brazil: T. Thedim Loho; G. R. Coaracy.

III. Observer States

France: D. Cuvelot. Switzerland: M. Leuthold.

IV. Observer Organization

United Nations: H. Einhaus.

V. WIPO

G. H. C. Bodenhausen (*Director General*); A. Bogsch (*First Deputy Director General*); K. Pfanner (*Senior Counsellor, Head of the Industrial Property Division*); I. Morozov (*Counsellor, Head, PCT Section, Industrial Property Division*); R. Harhen (*Counsellor, Deputy Head of the External and Public Relations Division*); P. Claus (*Technical Counsellor, Head, ICIREPAT Section, Industrial Property Division*); N. Scherrer (*Project Officer, PCT Section, Industrial Property Division*); P. M. McDonnell (Miss) (*Technical Consultant (US Patent Office)*).

VI. Officers

Chairman: R. A. Wahl (United States of America); *Vice-Chairmen*: E. Artemiev (Soviet Union); D. Cuvelot (France); *Secretary*: K. Pfanner (WIPO).

LEGISLATION

ARGENTINA

Law establishing a National Register of License and Know-How Agreements*

(No. 19 231 of September 13, 1971)**

1. — A National Register of License and Know-How Agreements is instituted within the Ministry of Industry, Commerce and Mining.

2. — All agreements capable of producing effects within Argentine territory must be recorded in the Register created by Section 1 when they commit persons or entities domiciled in the country within the meaning of Section 89 and Sec-

tion 90, paragraph (4) of the Civil Code, to make payments or render any kind of consideration to persons resident abroad or to foreign entities, with regard to:

- (a) licensing the use of trademarks;
- (b) licensing the use and working of patents;
- (c) licensing the use of industrial designs, when these can be appraised;
- (d) furnishing technical know-how in the shape of plans, diagrams, models, instructions, formulations, specifications and preparation and training of personnel and other means;
- (e) the provision of detailed engineering for the setting up of installations or the manufacture of products;
- (f) technical advice, whether supplied on an occasional, periodical or permanent basis.

3. — The Control Agency for the National Register of License and Know-How Agreements shall, in line with the provisions of Section 2, consider the conditions and liabilities

* The Law, as published in the *Boletín Oficial*, is not given a title.

** This translation was prepared by Marval & O'Farrell, Attorneys at Law, Patent Agents, Buenos Aires, and is published here with their kind permission.

set forth in the agreements submitted for recordal and may refuse registration in the following instances:

- (a) when the object of the agreement is the use, on an Argentine product, of a foreign trademark or an Argentine trademark registered in the name of a person resident abroad or a foreign entity, without providing any technical contribution or innovation;
- (b) when it can be shown that the object of the agreement involves the importation of know-how of a standard already available in the country;
- (c) when the price or other consideration is disproportionate to the license granted or the know-how transferred;
- (d) when the rights granted are such that they may allow for the direct or indirect control or disturbance of national production, distribution, marketing, investment, research or technological development;
- (e) when the agreement contains an obligation to acquire equipment or raw material from a particular source, and outside the country;
- (f) when the agreement forbids the export or sale for export of Argentine products, or when the right to sell is made subject to permission from abroad or any limit or control whatsoever is placed on exports;
- (g) when the agreement requires the transfer, whether for consideration or not, of any patents, trademarks, innovations or improvements that may have been obtained in the country in connection with the license agreed upon or the know-how conveyed;
- (h) when prices are set for the sale or resale of the goods produced in Argentina;
- (i) when the trial and adjudication of any suits concerning the interpretation or fulfillment of the agreement is made subject to the jurisdiction of foreign courts. Such suits shall be brought before the competent Argentine courts.

4. — The National Executive Power may set, for particular sectors, activities or specific objects, a maximum percentage rate for payments to be made, or other considerations to be rendered, by the recipients of know-how pursuant to the agreements specified in Section 2. Such maximum rate shall be established according to the nature of the object and the net profits that it generates, the circumstances prevailing in the sector or line of activity, the demands of economic development and national interest.

5. — The agreements described in Section 2, as well as any changes therein or extensions thereto, which are not recorded in the National Register of License and Know-How Agreements pursuant to the provisions of this Law and the regulations thereunder, as well as those the registration of which has lapsed or been cancelled, shall be legally invalid and unenforceable before the Argentine courts.

6. — The agreements described in Section 2 shall be legally valid and binding as from the date on which they are executed, provided that they are recorded in the National Register of License and Know-How Agreements within the

subsequent sixty consecutive days. Once this term has expired, they shall be legally valid and effective only as from the date on which they are recorded.

7. — All agreements of the type specified in Section 2, entered into prior to this Law's entry into force, shall be legally valid and binding as from the date on which they were entered into, provided that they are recorded in the National Register of License and Know-How Agreements before January 1, 1972. Such agreements shall be recorded automatically, but must be adapted before January 1, 1974 to meet the provisions of Section 3, pursuant to the rules that the Control Agency for the Register shall establish. Otherwise, once this term has lapsed, the registration thereof shall expire, by operation of law, without prejudice to the right of third parties affected thereby to bring suit for damages against the party whose omission resulted in loss of legal protection.

8. — Agreements of the type specified in Section 2 which were entered into prior to this Law's entry into force, and which are not recorded in the National Register of License and Know-How Agreements before January 1, 1972, shall not enjoy the benefit of automatic registration as provided in Section 6¹ and shall be subject to the requirements of Section 3.

9. — Entry in the National Register of License and Know-How Agreements, of agreements of the type specified in Section 2, shall lapse by operation of law if, within two consecutive years from the date of recordal, the agreement has not been put into practice or has not produced any effect in the country. However, in cases where just cause is shown, the Control Agency for the National Register of License and Know-How Agreements may permit the agreements to be recorded again, provided that the request is made prior to the expiry of the term set in this Section and that the situation referred to in Section 3, paragraph (b) has not materialized.

10. — The price or other consideration provided for in the agreements described in Section 2 shall be restricted to the liquid profits generated by the licensed goods or services. When the price or other consideration due is formalized as an investment as the result of the payment of a predetermined lump sum, the foregoing restriction will not apply. The National Executive Power may allow exceptions to the requirement set forth in this Section, as regards those sectors or products in relation to which specific technological know-how is needed in the country according to appraisals and studies made in this connection by the technical bodies referred to in Section 17.

11. — Agreements referred to in Section 2, wherein transfer is effected as an investment to be paid in a lump sum agreed upon, shall be exempt from stamp tax. The National Development Bank may, subject to the recommendation of the Control Agency, provide special lines of credit to aid companies that, according to Law 18875 and subsequent rules

¹ Presumably it is intended to refer to Section 7 (*Translator's Note*).

thereunder, may be considered domestic concerns of local capitals, to acquire know-how from abroad as an investment to be paid for in a lump sum agreed upon.

12. — The Central Bank of Argentina shall only authorize payments or money remittances abroad in relation to the agreements described in Section 2, provided that such agreements are recorded in the Register created in Section 1, for which purpose it shall issue the pertinent rules, with due consideration to the provisions of Section 4.

13. — The National Register of License and Know-How Agreements shall issue a formal certificate of approval and registration of the agreement, which will entitle the owner thereof to treat the expenses and outlays incurred in connection with the recorded agreement as being intended to earn, maintain and preserve taxable income derived from his own activity.

14. — For purposes of recordal in the Register, the agreements specified in Section 2 shall be drawn up in writing and in the Spanish language, except in regard to technical terms having no equivalent therein.

15. — The information that is to be furnished to the National Register of License and Know-How Agreements shall be established by the National Executive Power. Such information shall suffice clearly to define and determine the purpose or subject matter of the agreement, the scope, degree and other characteristics of the rights and obligations stipulated therein, the price and any other consideration provided for, the term of duration and all other relevant circumstances. The National Register of License and Know-How Agreements shall draw up statistics of the agreements recorded, and any modifications therein, showing the amount of the royalties agreed upon and the sums remitted abroad in respect thereof.

16. — The rules to issue pursuant to this Law shall ensure that applications for recordal of agreements in the National Register of License and Know-How Agreements shall be made public and that any party showing a legitimate interest shall have the right to file opposition thereto.

17. — The Control Agency for the National Register of License and Know-How Agreements shall be the Ministry of Industry, Commerce and Mining, within which the necessary technical bodies shall be appointed to undertake the examination and appraisal called for in Section 3, and it shall establish rules in regard to the functioning of these bodies, and criteria governing the discharge of their duties.

18. — The Control Agency for the National Register of License and Know-How Agreements is authorized to furnish advice, through the technical bodies provided for in Section 17, to interested parties who may seek guidance concerning the negotiation and conclusion of the agreements referred to in Section 2 of this Law. The conditions under which such advice may be given shall be set forth in the rules to issue pursuant to this Law.

19. — The Control Agency may penalize those who fraudulently infringe the provisions of this Law, by:

- (a) cancelling the registration of the agreement in the National Register of License and Know-How Agreements;
- (b) levying fines of up to one million pesos;
- (c) disqualification of the infringer from engaging in trade or industry, over a period of up to two years;
- (d) deprivation of legal capacity, where civil or commercial entities are concerned.

20. — Decisions granting or refusing recordal of the agreements specified in Section 2, or of amendments or extensions thereto, in the National Register of License and Know-How Agreements, shall be rendered by the Control Agency within a term of ninety consecutive days from the date of application therefor. Should no decision have been rendered upon expiry of said term, the interested party shall enter a request for prompt attention and, should a further ten days elapse without any result, the application shall be deemed to have been granted and the agreement shall be recorded in the Register as submitted.

21. — Decisions whereby the registration of an agreement specified in Section 2, or of any amendments or extensions thereto, is granted, refused, cancelled or declared to have lapsed, or decisions imposing the penalties prescribed in Section 19, may be appealed before the Federal Court of Appeals. The term for entering appeal shall be ten working days as from the date on which the interested party was served notice of the decision at the address appointed by him in his application for registration. When fines are involved, such appeal may only be entered after payment thereof.

22. — The Ministry of Industry, Commerce and Mining, as Control Agency for the National Register of License and Know-How Agreements and the enforcement of this Law shall, within a term of sixty days, propose the rules to issue thereunder and the framework and organization of the said Register as well as the technical bodies referred to in Section 17. The National Executive Power shall provide the funds that may become necessary for the purpose of this Law.

23. — When the investment of foreign capital in the form of intangible assets, as authorized in Section 2, paragraph (e) of Law 19 151, is effected as a contribution or transfer of know-how, such contribution or transfer shall be so determined as to meet the requirements of this Law.

24. — [*Routine procedure concerning publication of the Law.*]

COLOMBIA

**Decree
establishing the Commercial Code**

(No. 410 of March 27, 1971)

BOOK THREE. COMMERCIAL PROPERTY

TITLE II. INDUSTRIAL PROPERTY

Chapter I. New Creations

I. Patents

534. — Any invention which is new, results from creative activity or is of an inventive level shall be patentable provided that it is capable of industrial application. The same shall apply to an improvement on an invention if it fulfills the requirements of novelty and industrial applicability, where the application is filed by the owner of the original patent. Principles and discoveries of a purely scientific nature shall not in themselves be patentable.

535. — An invention shall not be new if it forms part of the state of the art, that is, if it has been made available to the public, anywhere and at any time whatsoever, through commercial or industrial exploitation, or by means of a written or oral description, by use, or in any other way that would enable it to be implemented, before the date of the filing of the patent application or the validly claimed priority date.

Notwithstanding the provisions of this Section, disclosure of the invention during the six months preceding the filing of the application shall not entail loss of novelty where such disclosure is the direct or indirect result of:

- (i) an ostensible act of bad faith to the detriment of the applicant or his successor in title, such as the illicit obtaining of plans or documents, misconduct or disloyalty on the part of the inventor's agent, colleagues or employees, industrial espionage or the like, or
- (ii) the invention's display by the applicant or his successors in title at an officially recognized exhibition held in the country.

536. — An invention shall be considered to result from creative activity or to be of an inventive level if it does not obviously follow from the state of the art either as to the combination of methods or processes or as to the industrial result it produces.

537. — An invention shall be considered capable of industrial application, if its subject can be manufactured or used in any kind of industry, including agriculture.

538. — Patents may not be granted in respect of:

- (i) plant varieties and animal breeds and species or essentially biological processes for the production of plants or animals. However, microbiological processes and the products thereof shall be patentable;

- (ii) pharmaceutical products and the active substances used therein, medicaments, foods or drinks for human, animal or vegetable consumption.

However, patents may be granted for pharmaceutical processes and for processes resulting in active substances to be used in pharmaceutical products, and for processes resulting in foods or drinks for human, animal or vegetable consumption, provided that the applicant proves that he is exploiting in Colombia the process for which the application is being made and that he is in a position to supply it to the market on reasonable terms as to quantity, quality and price.

Nevertheless, the application may be filed although the aforementioned requirement has not been satisfied, in which case the Office shall grant a one-year period for the fulfillment of the requirement, failing which the application shall be declared abandoned, and

- (iii) inventions whose application or exploitation may be contrary to public order and morality. An invention shall not be considered as contrary to public order or morality merely because its exploitation by private individuals is prohibited by law.

539. — In the absence of provisions to the contrary, an invention made by an employee or agent engaged for the purposes of research shall belong to the employer or to the person having commissioned the work.

The same rule shall apply where the employee has not been engaged for the purposes of research if the invention is made using data or means which are known or used because of the work being done. In such a case the employee shall be entitled to compensation taking into account his salary and the importance of the invention, the profit made by the employer and other similar factors.

In the absence of agreement between the parties, the amount of compensation shall be fixed by the courts.

540. — Without prejudice to the provisions of the preceding Section, and to the action claiming an invention, in the cases specified in this Title, the right to an invention shall belong to the first person to file the application or his successors in title. If several persons have jointly made an invention, they shall all own the right thereto.

541. — Where a patent application includes an invention illicitly obtained from the inventor or his successors in title or where it is the result of the non-performance of a contractual or statutory obligation, the injured person may claim the invention and demand that the rights attached to the application be transferred to him.

The same action shall lie when the patent has been granted.

The action shall be decided by the courts. The action shall suspend the processing of the application, provided that the plaintiff deposits a sum which, in the opinion of the court, is sufficient to compensate for any damage caused.

542. — The inventor shall be entitled to be named as such in the patent and he may similarly oppose such mention.

543. — The application for a patent shall be made to the Industrial Property Office and shall contain:

- (i) the name, address and residence of the applicant and the inventor, if he is not the applicant;
- (ii) the title or short name of the invention;
- (iii) a complete description of the invention accompanied by drawings, where necessary, and mention of the class to which the invention belongs, and
- (iv) one or more claims defining and limiting the scope of the novelty and the industrial application of the invention for which the patent is requested.

Paragraph 1. Where the applicant resides outside the country, he shall appoint a representative in Bogotá who shall be entitled to receive communications and to appoint an agent or attorney. He shall also state the address of such representative.

Paragraph 2. The mere fact that he has applied for and been granted a patent in Colombia shall not imply that a foreign applicant has a permanent place of business in the country.

544. — The application shall be accompanied by:

- (i) the power of attorney or a certificate attesting that it has been duly filed at the Industrial Property Office, or a duly authenticated photocopy of the power of attorney;
- (ii) proof, where applicable, of the existence or representation of the legal entity making the application;
- (iii) proof, in the form prescribed for the power that paragraph (1) of the preceding Section has been complied with;
- (iv) an abstract of the application containing at least one claim characteristic of the invention, and
- (v) the plans, if any.

Paragraph. Any applicant who wishes to avail himself of the priority of an earlier application made in another country shall do so within six months of that application; he shall state in his request the date and number of the earlier application and the country in which it was filed; he shall furthermore, within three months from the date of filing the application in Colombia, furnish a copy of the earlier application certified by the Industrial Property Office of the country in which it was made.

545. — The description shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

546. — A patent may be granted only for a single invention or for a group of inventions related in such a way as to constitute a unit. Any application not complying with the foregoing conditions shall be divided or limited within a period of six months.

Divisional applications shall benefit from the same priority as the initial application.

547. — The Industrial Property Office shall examine the application for conformity with Sections 543 to 546. The

Office shall inform the applicant of any defect and shall postpone the processing of the application until it has been rectified.

Where, after six months, the conditions for the application have still not been fulfilled, the application shall be considered abandoned and no declaration to that effect shall be necessary.

548. — Where the application complies with the aforementioned requirements, the publication of an abstract shall be ordered, and the application shall then be open to public inspection. Within sixty days following the date of publication, anyone may file an observation on the state of the art which might affect the novelty of the invention, providing documentary evidence thereof.

At the end of that period, a preliminary reasoned report, taking account of observations made by third parties, shall be prepared; at the same time, mention shall be made of any application previously filed or of any patent already granted in Colombia for a similar invention. This report shall be brought to the knowledge of the applicant in order that he may, within the following thirty days, file observations or documents or redraft his claims. At the end of that period, the report shall become final.

Paragraph. The Government may, by decree and in relation to one or more specific branches of industry, order a complete survey to be carried out on the state of the art affecting the patentability of inventions.

549. — Where no observations are made by third parties and if the preliminary report is wholly favorable, the patent shall be granted.

In any other case, the procedure shall be the following:

If the final report is wholly favorable, the patent shall be granted; if it is partially favorable, the patent may be granted including only those claims accepted; if the report is wholly unfavorable or if the applicant does not agree to limit his claims, a reasoned decision shall be taken refusing the patent.

550. — Once the patent has been granted and numbered, the Industrial Property Office shall order the publication of the claim characteristic of the invention.

Any person may consult patents granted and obtain copies thereof at his own expense.

551. — The scope of the protection conferred by the patent shall be determined by the claims; the descriptions, drawings and reports shall be used to interpret the claims.

552. — The exclusive right conferred by the patent shall include the preclusion of third parties from exploiting the patented invention and, in particular, from:

- (i) making the product for which the patent was issued;
- (ii) using, importing, alienating, offering for sale or placing on the market, in any form whatsoever, the patented product and from stocking it for the purpose of using it or placing it on the market;

- (iii) using or implementing, alienating or offering for sale the process and methods referred to in the patented invention, and
- (iv) performing any of the acts referred to under (ii) above, with respect to products obtained by the patented process.

Furthermore, this right shall include the preclusion of third parties from granting, allowing or promising anyone, other than a licensee, the process or means for implementing a patented invention.

Paragraph. Any act whose sole purpose is to scientifically experiment with the subject of the patented invention shall not be considered to infringe the rights guaranteed by this Section.

553. — The maximum term of a patent shall be twelve years. The patent shall initially be granted for eight years from the decision as to its grant, but the patentee may have it extended for a further four years. To obtain an extension, the patentee must prove that the invention is being worked in Colombia or that it was worked during the preceding year.

Any patent for an improvement on the original invention shall expire at the same time as the original patent.

554. — In the absence of any special agreement between the parties, a joint application for a patent shall be governed by the following rules:

- (i) each co-patentee may work the invention and take proceedings for infringement;
- (ii) licenses to work the invention shall be granted to third parties only with the consent of all the co-patentees or with the authorization of a civil judge after a hearing in Chambers, and
- (iii) any co-patentee may assign his share but the other co-patentees shall have a right of preference thereto; such right must be exercised within three months from the notification of the intention to assign.

In the case of disagreement, the price shall be fixed by the civil court, in consultation with experts.

555. — The applicant for a patent, or patentee, may grant a license to another to work his invention, by contract in writing.

Such license shall be known as a contractual license.

556. — In the absence of any stipulation to the contrary, the contractual license shall be governed by the following rules:

- (i) the license shall not preclude the grant of other licenses nor prevent the licensor from working the invention himself;
- (ii) the licensee shall be entitled to work the invention for the whole duration of the patent, in the entire territory of the country and for any application of the invention, and
- (iii) the licensee may not assign his license to third parties nor grant sub-licenses.

557. — Clauses in license contracts shall be null and void where they impose upon the licensee, in the industrial or commercial field, restrictions not deriving from the rights conferred by the patent.

The following shall not be deemed such restrictions:

- (i) restrictions concerning the extent of the subject of the patent or the duration of the license, and
- (ii) restrictions limiting the marketing of the product when it does not meet the conditions as to quality.

558. — At any time after the expiration of a period of three years from the date of the grant of a patent, or four years from the date of the filing of the application, whichever period last expires, any person may petition the courts for the grant of a license to work that patent if, at the moment of presenting the petition, and in the absence of legitimate reasons, any of the following has occurred:

- (i) the patented invention has not been worked within the country or its working has been suspended for more than one year;
- (ii) the working of the invention does not meet the demand of the national market on reasonable terms as to quantity, quality or price, or
- (iii) the patentee has not granted contractual licenses enabling a licensee to meet the demand of the national market on reasonable terms as to quantity, quality and price.

Paragraph 1. The patentee may, upon notification, oppose the grant of a compulsory license. Importation of the product shall not constitute a legitimate reason.

Paragraph 2. Working shall mean the permanent and regular use of the patented processes or the manufacture of the product protected by the patent with a view to putting the final results on the market on the above-mentioned reasonable terms, provided that the circumstances referred to in this Section have occurred in Colombia.

Paragraph 3. The license referred to in this Section shall be known as a compulsory license; it may not be exclusive and shall in no case entitle the licensee to import the product or to assign the license or to grant sub-licenses.

559. — The court order granting the compulsory license shall, on the basis of reports from the administrative authorities and the opinion of experts, establish the duration of the license, the conditions under which it is to be granted, its field of application and the amount of compensation to be paid to the patentee.

560. — In the case of patents of interest to public health or where economic development so requires or where the products which are the subject of the patent have not been made available to the public in sufficient quantities, or are not of a sufficient quality, to meet its normal needs, or where their price is excessive, the Public Prosecutor may request the courts to have the patent put under license. Similarly, the owner of a patent which necessarily requires the use of another in its exploitation may apply for a license.

Such a license shall be known as a license of authority (*licencia de oficio*); it shall not be exclusive and the licensee may not assign it or grant sub-licenses.

561. — When the court order mentioned in the preceding Section has become final, any private person or legal entity which can show that it is currently able to work the invention, or any public legal entity, may request the Industrial Property Office for the grant of a license of authority.

Such a license shall define the terms for its grant, its duration and field of application, but it shall not mention the compensation payable. The license shall take effect from the date on which the parties are notified of the relevant decision.

In the absence of an agreement, approved by the Department of Industry and Commerce, the amount of compensation shall be fixed by the courts with the assistance of experts.

562. — At the request of the patentee or of the holder of a compulsory license or license of authority, the license terms may be modified by the authority that approved the license where new factors so justify and, in particular, where the patentee has granted the license under more favorable terms than those laid down in a compulsory license or license of authority.

The application shall be dealt with in accordance with the particular case.

563. — Where the holder of a compulsory license or license of authority does not comply with the conditions prescribed therein, the patentee or the other licensees may request the court to revoke the license.

The request shall be dealt with in the manner and by the officials referred to in the preceding Section.

564. — The patentee and the licensee may take any legal action which may be necessary to defend the rights granted under the patent, jointly or separately.

When the action is instituted by the licensee, the patentee must be personally notified.

565. — Any patents concerning public health or national defense shall be considered of social interest and public utility. Should the case arise, the appropriate Ministry shall make an order of expropriation.

566. — The patent, or one or more of its claims, may be surrendered by the patentee at any time.

The surrender shall be made in writing to the Industrial Property Office. Where the patent is subject to a license or other right, the surrender shall be effective only if the owners of such rights consent.

567. — The patent shall be null and void if the invention was not patentable within the meaning of Sections 534 to 538 or if the description did not meet the requirements of Section 545. If the patent is partially void, nullity shall be declared in the form of a limitation of the claims. The request may be made by the Public Prosecutor or any person.

The judgment, when final, shall be communicated to the Industrial Property Office.

The *Consejo de Estado* shall have jurisdiction over nullity proceedings.

568. — Any patentee or licensee may apply to the courts to order preventive measures necessary to avoid the infringement of the rights guaranteed to the patentee.

The plaintiff shall append to his application such elements as may summarily prove the existence of the infringement; he shall indicate in his petition how in his opinion such infringement should be prevented, and he shall deposit the security ordered to guarantee the compensation of any damage to the alleged infringer or third parties.

The preventive measures may consist in ordering the infringer to deposit security as guarantee that he will refrain from committing the act for which he was denounced; in confiscating the articles manufactured in infringement of the patent and in issuing an injunction forbidding the advertising thereof; in the seizure of the machinery or equipment used for manufacturing the articles infringing the patent, or in any other similar measure.

The police shall assist in the enforcement of the measures ordered.

569. — An appeal, without any suspensive effect, may be lodged against a court order for preventive measures; an appeal, with suspensive effect, may be lodged against the court's refusal to order such measures. Nevertheless, an appeal with suspensive effect may be made to the court ordering the preventive measures provided that the alleged infringer deposits security, of the kind and amount deposited by the plaintiff, to indemnify the latter for any damage caused him.

570. — The alleged infringer must bring an action to the court proving the legality of his acts within four months of the issue of the order for preventive measures, failing which his right to do so shall lapse.

Should the alleged infringer justify his claim, the court shall revoke the preventive measures and award damages against the defendant.

571. — Any patentee or licensee may institute criminal proceedings or proceedings for damages on account of the infringement without applying for an order for preventive measures or when such measures have been refused.

II. Industrial Designs¹

572. — An industrial design means any combination of shapes, lines or colors incorporated in an industrial product in order to enhance its attractiveness, without changing its intended purpose nor increasing its utility.

An industrial model means any three-dimensional shape which serves as the prototype for the manufacture of an industrial product, provided that it does not involve any technical effects.

¹ Except in the case of Section 572 below, relating to definition, the comprehensive term "industrial designs" has been used in this translation although the original Spanish speaks of "industrial models and designs" (*Editor's Note*).

573. — Applications for the registration of designs may be in the same form as those provided for patents or, at the applicant's option, the descriptions, drawings and samples may be submitted under sealed cover, in which case they shall be kept secret for a period not exceeding twelve months.

574. — Each application may comprise one to fifty designs provided that the products are of the same type or fall within the same class.

575. — Where the application is not made under sealed cover, it shall be examined by the Industrial Property Office for fulfillment of the formal requirements laid down in the case of patents; the Office shall decide whether the design is contrary to public order or morality, whether it simply embodies a technical advantage or whether the registration of a similar design has already been granted.

576. — Where the examination shows that the design may be registered, the certificate of registration shall be immediately issued and its publication ordered.

577. — Where the application is made under sealed cover and the documents required for patents are attached, the certificate shall be granted and the publication of the registration ordered.

578. — Once the cover has been removed at the request of the interested party or on the order of the court or ex officio at the expiry of the twelve-month period counted from the filing date, the Industrial Property Office shall supplement the examination referred to by a further examination to determine whether the remaining requirements have been satisfied.

Where the examination shows that the registration of the design should not have been granted, it shall be cancelled.

The decision taken as a result of the supplementary examination shall be published.

579. — The owner of the design shall benefit from the protection provided for herein from the moment the cover is removed.

580. — The Industrial Property Office, the Public Prosecutor or any person may request that the certificate of registration of a design be declared null and void if the design is not new or if it involves any technical advantage.

The *Consejo de Estado* shall have jurisdiction over such proceedings.

581. — The sections relating to patents concerning novelty, industrial applicability, inventions made by an employee or person commissioned, the right to apply for a patent, claiming an invention, the right of the inventor to be named as such, the application requirements and documents, sufficient description and the abandonment of incomplete applications, examination and publication of patents granted, exclusive rights, the patent term excluding extension, joint ownership and contractual licenses, renunciation of rights and the provisions on preventive measures shall apply *mutatis mutandis* to designs.

582. — The protection afforded herein to designs shall be without prejudice to the protection afforded to the creator by other laws.

Chapter II. Distinctive Signs

I. Definitions

583. — (i) "Trademark" means any sign serving to distinguish the goods of one enterprise from those of another;

(ii) "service mark" means any sign serving to distinguish the services of one enterprise from those of another;

(iii) "collective mark" means any sign, designated as such, serving to distinguish the origin or any other common characteristic of goods or services of different enterprises or bodies which use the mark under the control of the registered owner;

(iv) "trade name" means one which identifies the enterprise of a person or legal entity;

(v) "signboard" means the sign used by an enterprise to identify its premises;

(vi) "indication of source" means any expression or sign used to indicate that a product or service originates in a given country or group of countries, region or locality, and

(vii) "appellation of origin" means the name of a country, region or locality which serves to designate a product originating therein, the quality or characteristics of which are due exclusively or principally to the geographical environment, including natural and human factors.

II. Trademarks and Service Marks

584. — Arbitrary or fanciful designations, words in any language, proper names, pseudonyms, geographical names, slogans, devices, reliefs, letters, numbers, labels, packaging, envelopes, emblems, prints, stamps, vignettes, seals, selvages, borders and edgings, combinations and arrangements of colors and any other distinctive signs may be used as marks.

In the determination of whether a sign is distinctive, account shall be taken of the special circumstances involved such as the amount of time that the sign has been in use as a mark in Colombia or other countries, or has been considered to be distinctive in national or foreign trade circles.

Paragraph. When the mark consists of a foreign word or a geographical name, the place of manufacture of the product must be appended as a footnote.

585. — The following may not be registered, marks:

- (i) which consist of shapes or forms imposed by the inherent nature of the goods or services or by their industrial function;
- (ii) which consist exclusively of a sign which may serve, in industry or trade, to designate the type, kind, quality, quantity, intended purpose, value, place of origin or time of production or of supply of the goods or services concerned;
- (iii) which consist exclusively of a sign which has become, in the current language or trade practices of the country, a customary designation of the goods or services concerned;

- (iv) which, for other reasons, are incapable of distinguishing the goods and services of one enterprise from those of another;
- (v) which are contrary to public order or morality or which are liable to deceive trade circles or the public as to the nature, the source, the manufacturing process, the characteristics or the suitability for their purpose, of the goods or services concerned;
- (vi) which reproduce or imitate the armorial bearings and any other emblems, initials, or names of any State or any international organization, without the permission of the competent authority;
- (vii) which reproduce or imitate official signs or hallmarks adopted by a State, without the permission of the competent authority;
- (viii) which resemble, in such a way as to be likely to mislead the public, a collective mark whose registration has expired, or in relation to which the renunciation, removal or nullity has been recorded, in the course of the three-year period prior to the new application.

586. — Nor may the following be registered, marks:

- (i) which resemble in such a way as to be likely to mislead the public, a mark already registered or filed by a third party, or subsequently filed by a person validly claiming priority, in respect of the same goods or services or those of a similar nature;
- (ii) which resemble, in such a way as to be likely to mislead the public, a mark publicly used by another in Colombia for identical or similar goods, if the applicant is aware, or could not have been unaware, of such use;
- (iii) which resemble, in such a way as to be likely to mislead the public, a trade name or signboard already used in Colombia by a third party in connection with the same activity as that for which the name or signboard is intended to be used;
- (iv) which constitute a reproduction, in whole or in part, an imitation, a translation or a transliteration, likely to mislead the public, of a mark, trade name or signboard belonging to a third party and well known in Colombia;
- (v) which infringe other third-party rights or are contrary to the rules for the prevention of unfair competition, or
- (vi) which are filed by the agent or the representative of a third person who is the proprietor of these marks in another country, without the authorization of such proprietor, unless the representative or agent justifies his action.

587. — The application for registration of a mark shall be made to the Industrial Property Office and shall contain:

- (i) the name and address of the applicant;
- (ii) the description of the mark with a clear and complete list of the particular goods or services in respect of which the application for registration of the mark is being made, and,
- (iii) representations of the mark.

588. — The applicant for registration of a mark who has exhibited goods or services under the mark at an officially recognized exhibition held in the country and who applies for registration of that mark within six months from the day on which the goods bearing the mark or the services rendered under the mark were first displayed in the exhibition, shall be deemed to have applied for the registration on the date of exhibition.

The facts referred to in this Section shall be evidenced by a certificate issued by the competent authorities of the exhibition; such certificate shall state the date on which the mark was first used in connection with the products or services concerned.

Paragraph. The provisions of this Section shall not extend any other period of priority claimed by the applicant.

589. — Where the Industrial Property Office considers that the mark filed cannot be registered, it shall inform the applicant, who shall communicate the reasons in support of his application within thirty days.

At the end of that period, the Office shall decide in accordance with the facts before it.

The official dealing with the application may cite any information whatsoever.

590. — Where the application is accepted, an order shall be issued for the publication of an abstract. Any person may, within thirty days of the date of publication, oppose the registration of the mark.

Once opposition has been entered, the Industrial Property Office shall set a period of thirty days for the production of evidence — ten days in which to request permission to adduce certain evidence and twenty days in which to produce it.

591. — If no opposition is entered, or if opposition is rejected, the mark shall be registered and a certificate in the form of a diploma guaranteeing the right shall be issued. The certificate shall be published once only.

Paragraph. Marks shall be registered by classes.

592. — Registration of a mark shall be for a period of ten years from the date of grant and may be renewed indefinitely for periods of five years.

593. — Registration shall confer upon the registered owner the right to the exclusive use of the mark and the right to prevent the use of any other mark likely to cause confusion in relation to the products or services concerned.

594. — License contracts shall contain stipulations guaranteeing the quality of the goods produced or services offered by the licensee. The registered owner of the mark shall exercise effective control over such quality and he shall be jointly responsible to third parties for any damage caused.

Upon request or ex officio, the office responsible for controlling standards and qualities shall take adequate steps to guarantee such quality and to impose such sanctions as may be required.

595. — The registration of the mark shall lapse and be cancelled at the request of any person if the registered owner has not used the mark in Colombia, either directly or through third parties, save in the case of force majeure or accident, during the five years immediately preceding the filing date.

A decision on whether a mark has lapsed shall lie with the Industrial Property Office; anyone obtaining a favorable decision shall have a preferential right to registration of the mark, if he so requests within three months subsequent to the final decision.

The use of the mark for one or more of the goods or services belonging to any given class shall suffice to prevent its lapse in respect of the other goods or services of the same or different classes. Similarly, lapse shall not occur in the case of defensive marks.

Paragraph. The use of a mark for goods or services shall be optional, but the Government may make it compulsory.

596. — The certificate of registration may be declared null and void on the request of any person if its issue is proved to have been contrary to Sections 585 and 586; however, in the latter case, proceedings must be instituted within five years of the date of registration of the mark whose cancellation is sought. Such decision shall lie with the *Consejo de Estado*.

597. — The sections relating to patents concerning the obligation upon foreigners to appoint a representative, the status of foreign companies applying for and obtaining patents, the documents to accompany applications, the abandonment of incomplete applications, the examination of files, joint ownership and contractual licenses, the renunciation of rights and the provisions on preventive measures shall apply *mutatis mutandis* to marks.

III. Collective Marks

598. — The State, its decentralized bodies, guilds, trade unions or any group of manufacturers or traders may, with a view to their common interest, or in order to encourage the development of the activities of their members, apply for registration of collective marks for goods or services.

599. — Collective marks shall be used directly by the legal entity or group or by the members of the guild or association, by way of control, subject to the supervision and under the conditions contained in the relevant agreement or regulation.

600. — Applications for the registration of a collective mark must be accompanied by a copy of the regulations governing its use, in which shall be specified the common characteristics of the products or services to be protected by the mark, the conditions relating to its use, the persons entitled to use it, the way in which effective control over its use in accordance with the regulations is to be exercised and the sanctions for any infringement of the regulations.

601. — The registration of a collective mark may be declared null and void, in particular:

- (i) where the regulations governing use of the mark are contrary to public order and morality, or
- (ii) where the mark is used or allowed to be used in conditions other than those laid down in the regulations.

602. — The general provisions concerning marks shall be applicable to collective marks, without prejudice to the special rules with respect to the quality of goods or services.

IV. Trade Names and Signboards

603. — The right to a trade name shall be acquired by first use and there shall be no need for registration. Nevertheless, registration may be applied for. Where the application satisfies the formal requirements prescribed for the registration of marks, the issue of a certificate shall be ordered and published.

604. — Where the name has already been filed for the same activities, the Industrial Property Office shall inform the applicant accordingly and, should he pursue his application, the existence of the earlier application shall be indicated on the certificate of registration.

605. — The registration, or the indication of the earlier registration, shall not constitute a right with regard to the name.

It shall be presumed that the applicant started to use the name on the date of the application and that third parties were aware of such use from the date of publication.

606. — A trade name shall not be admissible if it is contrary to public order or morality or if it is liable to deceive third persons as to the nature of the activity which is carried out under that name.

607. — Third persons shall not be permitted to use a trade name or a trademark or service mark which is identical or similar to a trade name already in use in the same branch of activity, except in the case of a name which legally belongs to a person, in which case the necessary modifications shall be made to avoid any confusion at first sight that might occur.

608. — The trade name may be transferred only with the establishment or the part thereof designated by the name, but the assignor may reserve the name for himself upon transferring the establishment.

The transfer shall be in writing.

609. — Anyone sustaining damage as the result of the use of a trade name may apply to the courts to prevent such use and may claim damages.

The case shall be tried under the shortened procedure laid down in the Civil Procedure Code.

610. — The right to a trade name shall lapse on the retirement of the registered owner, on the cessation of the branch of activity for which it is used or on the adoption of another name for the same activity.

611. — The provisions relating to trade names shall apply to signboards.

Chapter III. Miscellaneous Provisions

612. — Cases concerning industrial property which fall within the jurisdiction of the *Consejo de Estado* shall be tried under the ordinary procedure for administrative litigation.

Where the annulment is sought of a decision which created a given individual situation, the owner of the rights thereby created shall be informed in person before the action for annulment is entered on the court lists. Should any party to the dispute so request, the hearing shall be held in public.

613. — Where the competent court is to fix the amount of compensation, or the price where a right of preference is exercised, the procedure shall be the following:

The Statement of Claim shall be given to the other party for a period of three days. At the end of that period the compensation or share of the joint owner shall be assessed by experts.

When the court order becomes final, the judge shall decide the amount.

614. — All civil judges on the Bogotá Circuit and, of those, such judge or judges that the Superior Court of Bogotá shall appoint in accordance with Section 13 of Law No. 16 of 1968, shall have competence for the purposes of this Title.

615. — Colombian nationals and foreigners resident in Colombia may apply to the appropriate judicial or administrative authorities for the application of any advantage deriving from an agreement on industrial property which has been signed and ratified by Colombia.

616. — To be binding on third parties, patents granted, designs, marks, names, signboards, assignments, transfers, changes of name or address of a registered owner, renunciations, licenses, and regulations governing joint ownership and the use of collective marks must be registered with the Industrial Property Office — without prejudice to the provisions on the registration of businesses.

617. — In the absence of provisions to the contrary in this Title, the rights inherent in industrial property may be assigned.

618. — The Government may draw up Rules for the application of the provisions in this Title.

ITALY

Decrees concerning the Temporary Protection of Industrial Property Rights at Exhibitions

(of February and March, 1972) *

Sole Section

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

XIX^a Rassegna internazionale elettronica, nucleare e teleradio-cinematografica (Rome, March 22 to April 3, 1972);

XVIII^o Salone nazionale della calzatura e della pelletteria (Padua, April 23 to 25, 1972);

XXXVI^a Fiera Campionaria internazionale di Bologna (Bologna, May 24 to June 4, 1972);

XV^o S. I. A. — Salone internazionale dell'alimentazione (Bologna, May 24 to June 4, 1972);

L^a Fiera Campionaria internazionale di Padova (Padua, May 25 to June 5, 1972);

XX^a Fiera Campionaria generale di Roma (Rome, May 27 to June 11, 1972);

XXVII^a Fiera del Mediterraneo — Campionaria internazionale (Palermo, May 27 to June 11, 1972);

IV^o MOBILEVANTE — Fiera internazionale del mobile e dell'arredamento (Bari, May 31 to June 5, 1972);

V^o S. I. R. - Salone internazionale del regalo (Naples, May 31 to June 5, 1972);

XIX^a Mostra internazionale avicola (Varese, June 1 to 5, 1972);

V^o Salone internazionale dell'aeronautica e dello spazio (Turin, June 1 to 11, 1972);

IV^a Mostra internazionale dei servizi pubblici SEP (Padua, June 13 to 17, 1972);

I^o Salone internazionale tecniche e attrezzature contro gli inquinamenti "POLLUTION 72" (Padua, June 13 to 17, 1972);

XXIV^a Fiera di Trieste - Campionaria internazionale (Trieste, June 17 to 29, 1972);

XV^a Fiera internazionale della casa (Naples, June 21 to July 2, 1972);

XXXII^a Fiera di Ancona - Mostra mercato internazionale della pesca, degli sports nautici e attività affini (Ancona, June 24 to July 2, 1972);

XXXIII^a Fiera di Messina - Campionaria internazionale (Messina, August 5 to 20, 1972);

XXVI^a Fiera Campionaria nazionale Friuli-Venezia Giulia (Pordenone, August 27 to September 10, 1972);

Moda-maglia — Salone della maglieria italiana (Bologna, September 1 to 4, 1972);

Mostra nazionale dell'oreficeria, gioielleria, argenteria (Vicenza, September 3 to 10, 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

Colombia's New Industrial Property System

By Manuel PACHÓN *

LETTERS FROM CORRESPONDENTS

Letter from Mexico

By César SEPÚLVEDA *



occasions he represented the Netherlands at diplomatic conferences, where he frequently exercised important functions. He was Chairman of the Second Committee at the 1958 Lisbon Conference and Chairman of the General Committee at the Hague Conference in 1960. In fact C. J. de Haan participated in all the post-World War II activities that took place at the international level in the industrial property field. BIRPI in particular benefited frequently from his cooperation, and in 1966 he distinguished himself as Chairman of the Interunion Coordination Committee. He was also an alternate member of the Administrative Council of the International Patent Institute in the Hague, his position as President of the *Octrooiraad* bringing him into close collaboration with the Institute. Finally he had a great influence on the development of cooperation in industrial property matters among European countries. In the field of patents he gave his name to the "de Haan Plan," which was presented in 1954; the basic ideas of this plan are today being realized. He also

played a leading part in the trademark field as the Chairman of the "Trademarks" Working Group of the European Economic Community.

In the performance of the activities which we have only been able to outline here, C. J. de Haan will be remembered for his intelligence and clear thinking, for the originality of his views, for a perseverance undaunted by obstacles, and for his natural integrity and loyalty which won the confidence of his colleagues. In spite of his remarkable stamina, the sheer volume of work he undertook caused his health to deteriorate in the latter years of his career. His friends hoped that the quietness of retirement would give him many years in which to cultivate the artistic and literary interests which he had been unable to enjoy as much as he had wished. This hope was fulfilled, but for too short a time. At least, C. J. de Haan had the satisfaction of watching the growth and development, in many fields of industrial property, of the rich seed he had sown.

J. V.

CALENDAR

WIPO Meetings

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 21 and 22, 1972 (Geneva) — Intergovernmental Committee Established by the Rome Convention (Neighboring Rights) — Extraordinary Session

Object: Consideration of various questions concerning neighboring rights — *Invitations:* Brazil, Denmark, Germany (Fed. Rep.), Mexico, Niger, United Kingdom — *Observers:* Congo, Costa Rica, Czechoslovakia, Ecuador, Fiji, Paraguay, Sweden; intergovernmental and international non-governmental organizations concerned — *Note:* Meeting convened jointly with the International Labour Office and Unesco

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 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

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

June 9 and 10, 1972 (Copenhagen) — International Federation of Inventors Associations — Annual Assembly

June 19 to 30, 1972 (Luxembourg) — Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents

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

VACANCY IN WIPO

Competition No. 181

Technical Assistant - IPC Section (Industrial Property Division)

Applications are invited for the following post:

Category and grade: P. 3

Principal duties:

The incumbent will assist the Head of the IPC Section in the implementation of WIPO's program in the field of International Patent Classification (IPC).

His duties in particular will be the following:

- (a) assistance in the preparation of long range and short range draft programs for the IPC and of reports on the work performed and plans concerning the IPC;
- (b) preparatory work and assistance in the Secretariat for meetings of the IPC Interim Committee and its subsidiary bodies and, after the entry into force of the Strasbourg Agreement concerning the International Patent Classification, of the bodies and technical committees to be set up under that Agreement;
- (c) assistance in coordinating the work of the Offices of the participating countries and the International Patent Institute in execution of the IPC program;
- (d) contacts with industry and private organizations to ensure harmonization of efforts in patent classification;

- (e) participation in meetings of other international organizations having an interest in patent classification.

Qualifications required:

- (a) university degree in a relevant field of science or technology or qualifications equivalent to such degree;
- (b) good knowledge and experience in the field of patent classification;
- (c) excellent knowledge of English and at least a good knowledge of French.

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.

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: July 31, 1972.