

BUREAUX INTERNATIONAUX  
RÉUNIS POUR LA PROTECTION  
DE LA PROPRIÉTÉ INTELLECTUELLE  
GENÈVE, SUISSE

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UNITED INTERNATIONAL  
BUREAUX FOR THE PROTECTION  
OF INTELLECTUAL PROPERTY  
GENEVA, SWITZERLAND

## COMMITTEE OF EXPERTS ON THE ADMINISTRATIVE STRUCTURE OF INTERNATIONAL COOPERATION IN THE FIELD OF INTELLECTUAL PROPERTY

## COMITÉ D'EXPERTS CONCERNANT LA STRUCTURE ADMINISTRATIVE DE LA COOPÉRATION INTERNATIONALE DANS LE DOMAINE DE LA PROPRIÉTÉ INTELLECTUELLE

Geneva, March 22 - April 2, 1965

Genève, 22 mars - 2 avril 1965

### DECLARATION OF THE HEAD OF THE

### ITALIAN DELEGATION

As early as the month of May 1964, on the occasion of the previous meeting of the Working Party, the Italian Delegation expressed its total reserve with regard to the Draft Convention which the Committee of Experts is asked to study today.

It is thus with full knowledge of the facts that the Italian Delegation, in complete agreement with the declaration of the French Delegation, reaffirms this reserve and declares that it is unable to accept the Draft in question as a basis for discussion.

The joint meeting of the Permanent Bureau of the Paris Union and the Permanent Committee of the Berne Union, which was held at Geneva in October 1962, had expressed the opinion that an administrative convention could be established on the occasion of the Stockholm Revision Conference for the settlement of administrative questions concerning the United Bureaux of the two Unions, and that this settlement might involve the need to revise some of the administrative clauses in the respective Conventions.



It is obvious, however, that the system envisaged by the Draft which it is now proposed to submit to us for discussion far exceeds the aims fixed by the resolution drawn up by the joint session in question. Indeed, this Draft aims at the establishment of an entirely new International Organization, with its own particular bodies, which would pursue unequivocally objectives that have no connection either with the purpose of the Convention of the Paris Union, which ensures, according to Article 1, the protection of industrial property, or with that of the Convention of the Berne Union, which likewise gives as its purpose, in Article 1, the protection of the rights of authors over their literary and artistic works.

Furthermore, the international cooperation in the field of the protection of intellectual property already fully achieved by the Union Conventions open to accession by all countries of the world, and submitted to periodical revisions, is transformed in the new Draft into international cooperation for "the dissemination of intellectual creations among the various Nations without discrimination as to their economic or social structures and the degree of their industrialization, and fostering the production and distribution of goods throughout the world." The quotation is taken from Article 2 of the Draft.

It is certain, however, that our Delegations have not been formed with a view to extending the scope of their work to matters foreign to the objectives of the Unions, and further that they probably have no powers to do so in the absence of a mandate from the joint meeting of the Committees of the two Unions mentioned above.

Care must certainly be taken not to sink from the democratic development of the intellectual property institutions into an exaggeratedly demagogic facility which would finally destroy these institutions.

Furthermore, it should be noted that the expenses incurred by the Organization envisaged by the Draft would be such that it would be wise to prepare for at least a certain perplexity among Member States of the Unions as to the considerable increase in costs which would not be justified by a greater efficiency of the Unions' functions, whereas the economic and social aspects evoked in the Draft are, and will doubtless continue to be, within the province of other international organizations to which most of our States belong.



It should finally be pointed out that the representatives of the interests referred to in the Draft in question recently expressed a substantially negative opinion, and that the report of the Secretary-General himself at the last United Nations Assembly brings out clearly the non-substitutive function of patents, while recognizing their very minor influence on the productive process of the economic and social questions linked with anti-trust measures and with the problems of assistance to developing countries, the latter problems being within the province of other international organizations with which the Unions could, however, be invited to collaborate.

This much having been said, the Italian Delegation, while declaring that it is unable to accept the Draft under consideration as a working basis, although convinced that a reorganization and an improvement of the administrative and technical services and means of the Unions would be desirable and could be achieved by simpler, more appropriate, more efficient and less costly procedures, considers it necessary that, before any further meeting of the Committee of Experts is held, a working party should be set up by the Committee to re-examine the very bases of the work and to study any other suggestions and proposals that might be submitted to it.