

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

# BIRPI

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

## SECOND COMMITTEE OF GOVERNMENTAL EXPERTS ON ADMINISTRATION AND STRUCTURE

## DEUXIEME COMITE D'EXPERTS GOUVERNEMENTAUX CONCERNANT DES QUESTIONS D'ORDRE STRUCTUREL ET ADMINISTRATIF

Geneva, May 16 to 27, 1966 — Genève, 16 - 27 mai 1966

### STATEMENT BY MR. O. RAINER, MEMBER OF THE DELEGATION OF SWEDEN

Mr. Chairman,

I have the impression that what happened before we adjourned for lunch might have been taken by some as if the Swedish Delegation was going to introduce a subject of a highly controversial order. Let me, however, already at the outset allay these fears, or, if I may so turn the phrase, bring the subject matter down to more moderate proportions. It is not the intention of the Swedish Delegation to, as it were, spring a bomb. What, in fact, we are going to do is to invite other Delegations to convey their views on how the item of the administrative and structural reform should best be tackled in connection with the Stockholm Conference. This question is to the Swedish Government the more relevant, as this will apparently be the last time representatives of Member States meet before the said Conference.

When the first draft on the administrative and structural reform prepared by the working party was presented to the 1965 Committee of Experts, it was met with considerable interest and a fairly large measure of agreement seemed to prevail on the establishment of an international organization, also open for membership to States not members of any of the Unions. However, certain countries were against the idea as such, and differences of opinion also came to the fore on some other important points, let alone minor divergencies of views. The 1965 meeting of experts made

far-reaching changes in this first draft in an attempt to reconcile the opposing views, but differences of opinion on major points still existed at the close of the meeting. With regard to these differences, the Swedish Government and BIRPI discussed the possibilities for the Conference to come to a positive result. The present meeting was scheduled to allow for further discussions in order to smoothe the way for the Stockholm Conference.

At this meeting it has been borne out that a majority of the Delegations here represented--and among them the Swedish Delegation--favours the establishment of an international organization, at least as proposed by the 1965 Committee as a compromise--the so-called IPO Draft. Some Delegations are, however, decidedly opposed to this Draft, for instance, France, Italy, Morocco and Yugoslavia--a draft that was made in order to meet the views of the opposing Delegations. Other Delegations, such as the Indian, the Polish and the Soviet, have reserved the position of their Governments. Still other Delegations have expressed the opinion that controversial issues should not be discussed here but be postponed to the Stockholm Conference.

It is obvious that the Swedish Government, having the responsibility of being the host Government, when planning for the Conference, must take into account the possible outcome of it. In view of the divergencies of opinion which still exist, we can see the outcome of the Conference on this score.

We can see the following three main alternatives:

- (i) an IPO Organization will be successfully launched at Stockholm;
- (ii) a limited reform will be achieved;
- (iii) a first general discussion on a diplomatic level will take place but a final agreement will be reached only at a later Conference.

Of course, there is another possibility and that is that the matter would best be served by a total postponement of the item to a later Conference when it has become less controversial and therefore more ripe for a solution that can meet with unanimous approval. In this context it might be well to remember that many Member States have as yet not been taking part in our meetings and that their attitudes are, therefore, still unknown.

The Stockholm Conference has been scheduled for five weeks, a period which for various reasons cannot be prolonged. We should like to remind you again that during the Conference three different topics are to be dealt with: (1) the revision of some of the substantive provisions of the Berne Convention; (2) the insertion into the Paris Convention of provisions relating to inventors' certificates; and (3) the administrative and structural reform of the Unions. This means that the Conference will have to deal with two more items than the one that was originally contemplated. In view of this the time that can be allotted to the administrative and structural reform must necessarily be limited.

Mr. Chairman, the Swedish Delegation has wished already at this stage when we have just come to a close of the discussions of the Draft IPO Convention, to confront the Delegates here assembled with the problems I have referred to. This has been done not only to give the other Delegations a picture of what is facing the Swedish Government which will soon have to decide how this item shall be handled. It has also been done to enable the other Delegations to make known before the end of this meeting of experts their views on how this matter should best be dealt with. This would make it easier for the Swedish Government to take a decision that would be in conformity with the best interest of the Member States.

