

SECOND COMMITTEE OF GOVERNMENTAL EXPERTS ON ADMINISTRATION AND STRUCTURE

DEUXIÈME COMITÉ D'EXPERTS GOUVERNEMENTAUX CONCERNANT DES QUESTIONS D'ORDRE STRUCTUREL ET ADMINISTRATIF

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

DECLARATION OF THE FRENCH DELEGATION

The French Delegation has studied with great care all the drafts submitted to the Committee.

These drafts are essentially inspired by two considerations of different sorts: one, corresponding to the resolution adopted in October 1962 by the Permanent Bureau of the Paris Union and the Permanent Committee of the Berne Union at a joint meeting, with the object of strengthening and effecting an administrative reform of the Unions; the other, appearing first in the proposals presented to the Working Party and then to the Committee of Experts, aimed at the establishment of an International Organization with a Conference, both open to States not members of the Unions.

It is generally accepted that a strengthening and an administrative reform of the Unions are necessary, and the French Delegation is in favor of these aims. It approves the establishment of an Assembly for each Union and an Executive Committee for the Paris Union and for the Berne Union, as provided in the draft Administrative Protocols to which the Delegation is prepared to give its support, subject to certain reservations which it will make known in due course.

The French Delegation also considers that inter-Union organs, such as a General Assembly and a Coordination Committee, may be useful for discussion among all the Member States of the administrative and financial questions of common interest which arise.

Apart from the strengthening and the administrative reform of the Unions, the second consideration which has inspired the authors of the drafts submitted to the Committee, in particular the draft establishing IPO, has been their concern to promote

the discussion of matters of general interest concerning the protection of intellectual property between Member States of a given Union and States not yet members.

France, whose policy of cooperation with the developing countries is founded on a knowledge and an understanding of their difficulties and their needs, cannot but share to the full this latter concern.

Indeed, it seems most desirable, in the eyes of the French Delegation, that a Conference should meet from time to time, to allow all States--whether members or not of a Union--to compare at regular intervals their views on the protection of intellectual property. Such comparisons would be in the interest of the Unions, if only to encourage the accession of new members; they would also be of interest to non-member States; and at the same time they would contribute towards the progressive development of the protection of intellectual creation throughout the world.

In the same connection, it is important that States not members of the Unions should be able to benefit, if they so desire, from the technical-legal assistance afforded by these Unions. Implementation of the technical assistance programs of each of the Paris and Berne Unions would, moreover, be one of the main subjects which the Conference would be called upon to discuss.

The French Delegation has given some thought to the question of the framework within which the Conference should be placed. It inclines to the belief that, in view of the frequently asserted autonomy of the Unions, on the one hand, and the widely differing nature of the problems concerning the protection of industrial property and those concerning the protection of literary and artistic property, on the other hand, the Conference would only be truly useful and constructive within the separate framework of each of the two major Unions; for that reason, it seems logical that there should be one Conference for the Paris Union and another Conference for the Berne Union.

The French Delegation will submit other concrete proposals to the Committee, in a constructive and practical spirit, with a view to achieving the aims thus sought, in connection both with the creation of inter-Union organs and the establishment of a Conference for the Paris Union and the Berne Union.

The French Delegation considers that these proposals will render it unnecessary to place the Unions under an unwieldy and complex overall Organization, whose usefulness and desirability are not at present apparent. Furthermore, it is not in a position to accept the principle itself of an international Organization such as is contemplated in document AA/III/5.