

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

BIRPI

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

COMITÉ DE COORDINATION INTERUNIONS, DEUXIÈME SESSION INTERUNION COORDINATION COMMITTEE, SECOND SESSION

(Genève, 28 septembre au 2 octobre 1964)

(Geneva, September 28 to October 2, 1964)

SUPPLEMENTARY REPORT

ON THE ACTIVITIES OF BIRPI

SINCE NOVEMBER 1963

(1) This document is a supplement to document CCIU/II/3, which covered the period from the end of November to the end of June 1964 and was sent to participants of the Interunion Coordination Committee on July 22, 1964. The present document covers the period from the beginning of July to the middle of September 1964. It deals with the following questions :

- in connection with the Paris Union and industrial property in general :
 - Developing Countries and the United Nations (paragraphs 2 to 4)
 - Action in Latin America (Congress of Bogota) (paragraphs 5 to 14)
 - BIRPI Training Program (paragraphs 15 and 16)
- in connection with the Berne Union :
 - Model Law for African Countries (paragraph 17)
 - English Edition of the Review "Le Droit d'Auteur" (paragraphs 18 to 20)

THE PARIS UNION AND
INDUSTRIAL PROPERTY IN GENERAL

Developing countries and the United Nations

(2) The recommendations of the United Nations Conference on Trade and Development were submitted to the 37th Session of the Economic and Social Council of the United Nations (ECOSOC) when it met at Geneva in July and August 1964. One of these recommendations relates to the transfer of technology to developing countries. The passages of immediate concern to BIRPI are reproduced in paragraph (15) of document CCIU/II/3.

(3) On the basis of this recommendation of UNCTAD and two draft recommendations submitted to ECOSOC, one by France and the United Kingdom of Great Britain and Northern Ireland and the other by Algeria, Chile, Ecuador, India, Indonesia, Iraq, Mexico, Turkey, United Arab Republic, United Republic of Tanganyika and Zanzibar, and Yugoslavia (see document E/3936 of the United Nations); ECOSOC adopted, on July 27, 1964, a resolution (No. 1013 (XXXVII)) entitled "The Role of Patents in the Transfer of Technology to Under-Developed Countries", couched in the following terms:

"Recalling General Assembly resolution 1713 (XVI) of December 1961,

"Reaffirming that access to knowledge and experience in the field of applied science and technology is essential to accelerate the economic development of under-developed countries and to enlarge the over-all productivity of their economies,

"Reaffirming also that the most wide-spread exchange of knowledge and experience in the field of applied science and technology would facilitate the continued development of industrialization and international economic relations,

"Noting the report of the Secretary-General on the role of patents in the transfer of technology to under-developed countries;

"Noting the recommendation contained in Annex A, IV.26 to the Final Act of the United Nations Conference on Trade and Development on the transfer of technology

"1. Requests the Secretary-General to explore possibilities for adaptation of legislation concerning the transfer of industrial technology to developing countries, generally and in co-operation with the competent international bodies, including United Nations bodies and the Bureau of the International Union for the Protection of Industrial Property, and to provide additional facilities for information on and for the transfer of technical documentation and know-how to the developing countries;

"2. Requests the Secretary-General to take whatever steps he may consider appropriate, such as arrangements for the reciprocal exchange of information and documentation, and provision for reciprocal representation at meetings, between the competent international bodies referred to in operative paragraph 1 and to report thereon to the appropriate United Nations bodies, including the Council;

"3. Transmit the report of the Secretary-General to the United Nations General Assembly at its nineteenth session for appropriate action in the light of the recommendation on this subject contained in Annex A IV.26 of the Final Act of the United Nations Conference on Trade and Development."

(4) On the basis of this resolution, the Secretariats of the United Nations and of BIRPI got in touch with each other with a view to establishing a working agreement between the two Organisations, in the form of an exchange of letters between the Secretary General of the United Nations and the Director of BIRPI. At the time of drafting this report (September 24, 1964), talks are in progress between the two Secretariats with the object of finalizing the terms of the letters to be exchanged.

Action in Latin America (Congress of Bogota)

(5) The Congress of Bogota on Industrial Property for Latin America, convened and organized by the Government of the Republic of Colombia, and sponsored by BIRPI, met in the capital of Colombia from July 6 to 11, 1964.

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(6) The delegates of nineteen Latin-American countries participated in the Congress: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Haiti, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela. Except for Panama, all these countries were represented by official delegates, i. e., delegates appointed by their respective governments at the request of the Government of Colombia and of BIRPI; or by official delegates and non-official delegates. The latter expression is to be understood as referring to patent attorneys and agents invited in their personal capacity by the Government of Colombia and BIRPI. The total number of official delegates was thirty, and the total number of non-official delegates, thirty-five.

(7) The official delegates were persons who in their respective countries are the heads of the national offices for industrial property, or are otherwise officially connected with such offices. The latter category included the Minister of Fomento of Colombia, the Minister for Commerce and Industry of the Dominican Republic, the Minister of Fomento of Venezuela, and the Deputy Minister for Economy of Guatemala.

(8) Attending the Congress as observers were the representatives of six countries members of the Paris Union : Czechoslovakia, Israel, Portugal, Spain, Switzerland, and United States of America; representatives of three international organisations : the United Nations, the Pan-American Union, and the Permanent Secretariat of the General Treaty of Central American Economic Integration; and representatives of four international associations : the Inter-American Association for Industrial Property (ASIPI), the International Association for the Protection of Industrial Property (IAPIP), the International Chamber of Commerce, and the Inter-American Bar Association.

(9) The purpose of the Congress was to discuss questions of industrial property in which Latin-American countries were interested at the level of their national legislation and at the level of the Paris Convention.

(10) The Congress agreed to group the questions in four categories and to discuss them in the following order : patents of invention, trademarks, other forms of industrial property, the Paris Convention. The work of BIRPI as International Secretariat of the Paris Union was also discussed in connection with the latter subject.

(11) The Congress adopted the following resolution in connection with the Paris Convention :

"In view of :

- (a) the importance that all aspects of industrial property have in the economic development of nations;
- (b) the advisability of modernizing the different national legislations for adaptation to present requirements;
- (c) the advisability of completing the legislation of each country in order to bring it into line with a suitable internationally recognized system in all cases in which such integration is beneficial to legitimate national interests;
- (d) the fact that the Paris Convention for the Protection of Industrial Property respects the national system and the jurisdiction of each country, and offers a suitable means of international integration by granting to countries the rights which, because they are not yet members, they cannot enjoy,

the Congress of Bogota on Industrial Property for Latin America resolves :

1. to recommend to the Governments of the Latin-American Nations that they revise their legislation in matters of industrial property so that it be complete, that it protect all their institutions, and that it promote and increase creative activity as determined by the stage of economic development of each country;

2. to recommend to the Latin-American Governments which are still not parties to the Paris Convention for the Protection of Industrial Property that they consider the advisability of their joining it, taking into account their legitimate national interests, their national agreements and programs of economic integration, and the documents and studies submitted at this Congress;
3. to recommend to the Latin-American Nations which are already party, as well as to those which will adhere, to the said Convention that they consider the desirability of consultations among themselves with a view to expressing their opinions jointly regarding their common interests at the Diplomatic Conference for the revision of the text of the said Convention, to be held in Stockholm in 1967."

(12) A full report on the proceedings and the results of the Congress, together with a list of all the eighty-seven participants, is published in the August 1964 issue of Industrial Property.

(13) As the Director of BIRPI said in his closing address at Bogota, the Congress was of exceptional significance for a number of reasons: it was the first BIRPI conference organized in a Latin-American country; it was the first BIRPI conference organized in a country which was not a member of BIRPI; it was the first BIRPI conference in which Spanish was the only official working language; and it was the first BIRPI conference to which only countries of Latin America were invited.

(14) The great interest which the Latin-American countries had manifested and the obvious usefulness of meetings of this kind confirmed BIRPI's conviction that similar Latin-American conferences should be invited from time to time in the future.

BIRPI Training Programme

(15) The following changes have arisen in connection with the eight traineeships mentioned in paragraph (26) of document CCIU/II/3: the Iranian trainee will start his training in Munich only at the beginning of 1965; the Northern Rhodesian chosen for one of the London training courses has withdrawn and his place has been taken by a trainee from Iraq, with the consent of the British authorities.

(16) The first trainees did not start work until the end of August. At the time of drafting this report, none has completed his course yet and some have not even arrived at the industrial property offices where they are to receive their training. It is obvious that, in these circumstances, BIRPI has only a very limited experience of the most suitable methods for organizing training programs. It seems preferable, therefore, to wait for the reports from trainees and the industrial property offices which have accepted them before putting forward any concrete proposals regarding the possible financment of a wider

program with the help of a special technical assistance fund which was mentioned at the first session of the Interunion Coordination Committee (see paragraph (36) of document CCIU/I/21). The Director of BIRPI proposes therefore to revert to this question again, possibly next year, in the light of the experience acquired in the interval by BIRPI.

BERNE UNION

Model Law for African Countries

(17) BIRPI has agreed with UNESCO to convene under their joint auspices, at the headquarters of BIRPI, from November 30 to December 4, 1964, an African committee composed of experts from the following countries; Congo (Brazzaville), Ethiopia, Ghana, Ivory Coast, Liberia, Morocco, and Nigeria. A draft model law on copyright and an explanatory memorandum will serve as a basis for discussion.

English Edition of the Review "Le Droit d'Auteur"

(18) The Permanent Committee, at its 11th Session in New-Delhi, unanimously recommended the Swiss Government to consult the member countries with a view to authorizing BIRPI to publish a separate edition of the review "Le Droit d'Auteur" in English.

(19) The Swiss Government informed BIRPI of the results of this consultation for which the time-limit had been fixed at July 31, 1964. No member country sent a negative reply. All member countries expressed their explicit or tacit agreement, and some of them specified that the expenses arising from this innovation should, in their view, be financed out of available funds within the framework of the budget.

(20) As the Swiss Government's note already included this specification and as there have been no objections from the member countries, the conditions required under Article 22, paragraph (1), of the Berne Convention are fulfilled. Consequently, it will be possible to publish a separate edition of the review "Le Droit d'Auteur" in English, starting in January 1965.

(21) The Interunion Coordination Committee is invited to express its views on the questions dealt with in this document.

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COMITÉ DE COORDINATION INTERUNIONS, DEUXIÈME SESSION INTERUNION COORDINATION COMMITTEE, SECOND SESSION

(Genève, 28 septembre au 2 octobre 1964)

(Geneva, September 28 to October 2, 1964)

Second Supplementary Report on the Activities of BIRPI since November
1 9 6 3

(1) This document supplements paragraph (4) of document CCIU/II/4.

(2) On September 28, 1964, the Director of BIRPI received the following letter dated New York, September 23, 1964, from the United Nations:

"Dear Mr. Bodenhausen,

I have the honour to inform you that on 27 July 1964 the Economic and Social Council of the United Nations adopted a resolution on "The Role of Patents in the Transfer of Technology to Under-Developed Countries" (E/RES/1013(XXXVII)), a copy of which is attached. This resolution calls for co-operation between the competent international bodies in this field "including United Nations bodies and the Bureau of the International Union for the Protection of Industrial Property". To this effect the resolution "Requests the Secretary-General to take whatever steps he may consider appropriate, such as arrangements for the reciprocal exchange of information and documentation, and provision for reciprocal representation at meetings....".

In the implementation of this resolution, I should like to propose that our future collaboration should be based on the following practical arrangements:

1. The Secretariat of the United Nations and the Bureau of the International Union for the Protection of Industrial Property shall exchange, as may be appropriate, information and documentation relevant to matters of mutual interest.
2. Representatives of the Secretariat of the United Nations shall be invited to attend in an observer capacity the negotiating conferences organized by BIRPI, the conferences or other meetings of all BIRPI bodies, and such expert committees, working groups and seminars organized by BIRPI which deal with industrial property questions.

Representatives of BIRPI shall be invited to attend in an observer capacity meetings of the General Assembly, the Economic and Social Council and other United Nations bodies, when such meetings deal with industrial property questions.

Mr. G.H.C. Bodenhausen
Director

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" In addition to these formal arrangements, I shall look forward to a collaboration between our two organizations through an informal exchange of publications and appropriate consultation between the Secretariat officials directly concerned.

Yours sincerely,

Philippe de Seynes
Under-Secretary for
Economic and Social Affairs"

- (3) The Interunion Coordination Committee is invited to express its opinion on the above proposal.

UNITED NATIONS

E/RES/1013(XXXVII)

28 July 1964

ECONOMIC AND SOCIAL COUNCIL

Thirty-seventh session
Agenda item 13

Dual Distribution

RESOLUTION ADOPTED BY THE ECONOMIC AND SOCIAL COUNCIL

1013(XXXVII). The role of patents in the transfer of technology to under-developed countries

The Economic and Social Council,

Recalling General Assembly resolution 1713 (XVI) of December 1961,

Reaffirming that access to knowledge and experience in the field of applied science and technology is essential to accelerate the economic development of under-developed countries and to enlarge the over-all productivity of their economies,^{1/}

Reaffirming also that the most wide-spread exchange of knowledge and experience in the field of applied science and technology would facilitate the continued development of industrialization and international economic relations,

Noting the report of the Secretary-General on the role of patents in the transfer of technology to under-developed countries,^{2*/}

Noting the recommendation contained in Annex A.IV.26 to the Final Act of the United Nations Conference on Trade and Development on the transfer of technology.

1. Requests the Secretary-General to explore possibilities for adaptation of legislation concerning the transfer of industrial technology to developing countries, generally and in co-operation with the competent international bodies, including United Nations bodies and the Bureau of the International Union for the Protection of Industrial Property, and to provide additional facilities for information on and for the transfer of technical documentation and know-how to the developing countries;

^{1/} General Assembly resolution 1713 (XVI), fourth preambular paragraph.

^{2*/} Official Records of the Economic and Social Council, Thirty-seventh Session, Annexes, agenda item 13 (E/3861)

E/RES/1013(XXXVII)

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2. Requests the Secretary-General to take whatever steps he may consider appropriate, such as arrangements for the reciprocal exchange of information and documentation, and provision for reciprocal representation at meetings, between the competent international bodies referred to in operative paragraph 1 and to report thereon to the appropriate United Nations bodies, including the Council;

3. Transmits the report of the Secretary-General^{2/} to the United Nations General Assembly at its nineteenth session for appropriate action in the light of the recommendation on this subject contained in Annex A.IV.26 of the Final Act of the United Nations Conference on Trade and Development.

1334th plenary meeting,
27 July 1964