

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, TROISIÈME SESSION INTERUNION COORDINATION COMMITTEE, THIRD SESSION

(Genève, 28 septembre au 1er octobre 1965)

(Geneva September 28 to October 1, 1965)

DRAFT REPORT ON THE THIRD ORDINARY SESSION

OPENING OF THE SESSION

1. The Third Ordinary Session of the Interunion Coordination Committee was held in Geneva from September 28 to October 1, 1965.

2. At the opening of the session, the Committee had 22 members of which the following 18 were represented: Belgium, Ceylon, Czechoslovakia, Denmark, France, Federal Republic of Germany, Hungary, India, Italy, Japan, Morocco, Netherlands, Rumania, Spain, Sweden, Switzerland, United Kingdom, United States of America. In the course of the session, the Union of Soviet Socialist Republics, having become a member of the Executive Committee of the International Union for the Protection of Industrial Property (Paris Union), has become the 23rd member of the Committee. The 4 members not represented in this session were: Brazil, Nigeria, Portugal, Yugoslavia.

3. The following States were represented by observers: Algeria, Austria, Colombia, Congo (Brazzaville), Holy See, Philippines.

4. The complete list of participants is attached to the present Report.

5. The meeting was opened by Mr. Ion ANGHEL (Rumania), outgoing Chairman of the Committee.

6. In his opening address, Mr. ANGHEL recalled the highlights of the activities of BIRPI since October 1964: preparation of the administrative reform of BIRPI and the Unions administered by it, preparation of the introduction of inventors' certificates in the text of the Paris Convention, preparation of the revision of the Berne Convention, grant of traineeships, and the establishment of a model law on inventions. All these activities were carried out in a true spirit of international cooperation, without discrimination among Member States as to their political, social or economic situation.

7. The Director of BIRPI informed the meeting that, in addition to the accessions reported in the various documents, Algeria had acceded to the Paris Convention with effect from March 1, 1966, and Colombia's accession was expected to take place in the near future. In view of these facts, the Representatives of Algeria and Colombia were admitted as observers to the Committee.

ELECTION OF THE NEW OFFICERS

8. On a proposal made by the Delegation of France, seconded by the Delegations of Czechoslovakia and the Federal Republic of Germany, Ambassador TALAMO (Italy, State member of both the Executive Committee of the Paris Union and the Permanent Committee of the Berne Union) was elected Chairman of the Committee by acclamation, and Mr. PURUSHOTTAM (India, State member of the Permanent Committee of the Berne Union only) and Mr. KISS (Hungary, State member of the Executive Committee of the Paris Union only) were elected Vice-Chairmen of the Committee, also by acclamation.

PRELIMINARY STATEMENTS

9. Before embarking on the agenda of the meeting, Mr. LABRY (France) made a preliminary statement. He recalled Article 7 of the Rules of Procedure of the Committee which provides that the nature of the functions of the Committee is purely consultative and is limited to the administrative, financial and other matters of common interest to BIRPI. He said that the preparatory documents went beyond these limits

since they dealt also with matters which, in his opinion, were of interest only to given Unions. He expressed the view that the Committee had the right to consider, and should consider, only matters of common interest to two or more Unions.

10. Mr. DE SANCTIS (Italy) shared the views of Mr. Labry.

11. The Director of BIRPI said that the draft agenda and preparatory documents dealt with exactly the same kind of questions as the agendas and preparatory documents of the first two sessions of the Committee. At those sessions, no objections had been raised against them. He thought that, in view of the fact that all Unions were administered by the same Secretariat, practically all administrative matters were of common interest. Besides, the Interunion Coordination Committee was the only forum in which States Members of the Berne, Madrid, The Hague and Nice Unions could express their opinions on administrative matters since these Unions did not have any organ consisting of Member States which had any jurisdiction in administrative matters. If the States Members of these Unions did not want to discuss matters concerning these Unions in the Committee, BIRPI would be deprived of any advice from the Member States and would deal, as it had done until 1963, exclusively and directly with the Swiss Government as Supervisory Authority.

12. Mr. WINTER (U.S.A.), Mr. Von ZWEIGBERGK (Sweden), Mr. HAERTEL (Federal Republic of Germany) and Mr. DE HAAN (Netherlands) shared the opinion of the Director of BIRPI and saw no reason for departing from the tradition established by the first two sessions of the Committee.

13. The Director of BIRPI recalled that if and when the proposals for the reform of the structure of BIRPI and the Unions were adopted - as it was hoped they would be at the 1967 Stockholm Conference - then all Unions would have an administrative organ of their own and the role of the Interunion Coordination Committee would change in the sense that it would be concerned mainly with questions of coordination.

ADOPTION OF THE AGENDA

14. The draft agenda (document CCIU/III/1) was unanimously adopted.

AMENDMENT OF THE RULES OF PROCEDURE
OF THE INTERUNION COORDINATION COMMITTEE

15. The proposed amendments of the Rules of Procedure (document CCIU/III/5) were unanimously adopted: all references to the Permanent Bureau of the Paris Union in those Rules will henceforth be understood as references to the Executive Committee of the same Union.

REPORT ON THE ACTIVITIES OF BIRPI
SINCE OCTOBER 1964

16. The Committee considered documents CCIU/III/6 and 8.

17. The Director of BIRPI referred also to the Lecture Course on Industrial Property, held in Geneva the previous week by BIRPI, with some 300 persons participating.

18. Mr. WINTER (U.S.A.) expressed his Government's satisfaction with the activities of the past years, particularly the establishment of a model law for developing countries on inventions, the traineeship program, and the cooperation with the United Nations.

19. Mr. UGGLA (Sweden) asked whether there should be a further meeting, preparatory to the Stockholm Conference, on the structure question.

20. Mr. GRANT (U.K.) expressed the desire that no commitment should be made by BIRPI in the field of an information service for identifying patents relating to the same invention before the Governments had been properly consulted. He thought that the service might duplicate well-advanced plans of the International Patent Institute (IPI) and ICIREPAT.

21. The Director of BIRPI said that all steps taken so far in this field had been based on the recommendations of competent committees, and that no commitments would be made without consulting all competent bodies. He thanked the Patent Offices of Munich and Washington for the special help given to BIRPI.

22. Mr. DE HAAN (Netherlands) said that the plan explored by BIRPI was very important and quite different from the plans of the IPI and ICIREPAT: whereas the latter were concerned with the search in the state of the art in the field of inventions, the former dealt only with identifying patents relating

to the same invention on the basis of the priority number.

23. Mr. HAERTEL (Federal Republic of Germany) expressed his agreement with the previous speaker and congratulated BIRPI on the many valuable achievements of the past year.

24. Mr. LABRY (France) said that it should be left to the Swedish Government and the Director of BIRPI to decide, in the light of future developments, whether a further preparatory meeting on the structure questions should be held prior to the Stockholm Conference.

25. The Director of BIRPI said that this was precisely the meaning of paragraph (5) of document CCIU/III/4.

26. The Committee noted, with approval, the reports contained in documents CCIU/III/6 and 8.

FINANCIAL REPORT OF BIRPI FOR 1964

27. The Committee considered document CCIU/III/3.

28. Mr. LORENZ (Observer, Austria) said that the nomenclature of the budgets and the financial reports differed from each other on certain points, which made comparisons difficult.

29. Dr. BOGSCH (BIRPI) said that BIRPI continuously tried to improve its budgetary nomenclature and this was the reason for the differences.

30. The Committee noted, with approval, the report contained in document CCIU/III/3.

REPORT ON BIRPI STAFF MATTERS

31. The Committee considered document CCIU/III/7.

32. Dr. BOGSCH (BIRPI) summarized the contents of the document, with the exception of the portions relating to the directorial and deputy directorial salaries.

33. Mr. KUNZ (Czechoslovakia), while expressing his satisfaction concerning the improvement in the geographical distribution of personnel in the last year, noted that only one staff member was non-European, that only one staff member came from a Socialist country, and that no staff member came from a developing country. He voiced the hope that further and substantial improvement would follow.

34. Mr. ANGHEL (Rumania) expressed his agreement with the remarks of the previous speaker.

35. The Director of BIRPI replied that he was fully aware of the desirability of recruiting staff from countries from which no nationals were yet on the staff of BIRPI. He stressed, however, the practical difficulties: BIRPI had some 80 Member States and only some 20 professional posts; a good knowledge of the working languages of the Secretariat was indispensable; it was particularly rare for qualified candidates to be presented by developing countries, since they needed them badly themselves in the national Governments.

36. The question of the applicability of the amendment proposed in paragraph (19) of document CCIU/III/7 was put to a vote, the result of which was the following: 16 in favour, none against, one abstention. Thereafter the provision proposed in paragraph (24) of the same document was put to a vote, in a secret ballot, the result of which was the following: 10 votes for, 2 against, 5 abstentions.

37. The Committee noted, with approval, the contents of document CCIU/III/7.

DRAFT PROGRAM AND BUDGET OF BIRPI FOR 1966

38. The Committee examined documents CCIU/III/4 and 9.

39. Dr. BOGSCH (BIRPI) called the attention of the Committee to the most important points covered by these documents. He also informed the meeting about a recent letter addressed by the Hungarian Government to the Director of BIRPI, inviting him to convene an East-West Symposium next year in Budapest on the practical aspects of industrial property protection. The Director would be glad to accept this offer.

40. Mr. LABRY (France) and Mr. ANGHEL (Rumania) expressed concern over the increasing deficit of The Hague Union.

41. Mr. GRANT (U.K.) said that it was imperative to distinguish between essential and merely desirable activities, since economy was needed. He questioned the essential nature of the Latin American Copyright Seminar, the meeting on a model copyright law for English-speaking African countries, and traineeships in the field of copyright.

42. Mr. KISS (Hungary), while praising the progress achieved during the last year, wanted to know how long any new increase in the ceiling might last. Frequent raises were undesirable.

43. Mr. ROHMER (France) expressed concern at what seemed to be an overstepping of the 700,000 Swiss francs ceiling of the Berne Union in that Union's budget, as it would be very difficult to consider further increases in the contributions so soon.

44. Mr. LUND (Denmark) shared the apprehensions of the previous speaker.

45. Mr. GRANT (U.K.) suggested that the Director of BIRPI should accept the offer of the Hungarian Government for an East-West Symposium in Budapest.

46. Mr. MORF (Switzerland) said that it was essential that expenditure should not exceed income. He asked what was the amount of the cost of transformation in the building to be financed by a loan from the Pension Fund.

47. Mr. LABRY (France) said that it always had been, and still was, his Government's view that a 900,000 Swiss francs ceiling for the Paris Union was insufficient. But since that was the ceiling in force: expenditure should stay within this limit and recourse to reserve funds should be made only exceptionally and provisionally.

48. Mr. MAZARAMBROZ (Spain) proposed that a new source of revenue be constituted for BIRPI; every time an applicant invoked the benefits of the Paris Convention by claiming a right of priority under it, he should pay a small fee which would be collected by the national Patent Offices and forwarded to BIRPI. This could also be achieved by requiring a stamp to be affixed on each application claiming priority, such stamps to be on sale at BIRPI.

49. Mr. DE SANCTIS (Italy) recalled the opposition of the Italian Delegation, voiced the previous year, to certain activities of BIRPI in the field of assistance to developing countries concerning the Berne Union. He urged economies for the Berne Union.

50. Mr. WINTER (U.S.A.) commended and accepted the proposed program and budget. He proposed that the Swiss Government ask the Member States of the Paris Union which had not yet accepted the 900,000 Swiss francs ceiling to do so.

51. Mr. ANGHEL (Rumania) said that the Berne Union should not use its reserve fund.

52. Mr. HAERTEL (Federal Republic of Germany) said that his Government accepted the new ceiling of 700,000 Swiss francs for the Berne Union on the understanding that the majority had accepted it, and since that condition had been fulfilled, the acceptance contained no reservation.

53. Mr. FINNISS (France) expressed the opinion that whereas the 900,000 Swiss francs ceiling for the Paris Union might be sufficient for 1966, it was almost certain that it would prove to be insufficient thereafter.

54. The Director of BIRPI said that any imbalance should only be exceptional. He assured the Committee that he would present budget proposals within the 900,000 and 700,000 Swiss francs ceilings for the Paris and Berne Unions. All the program activities were based on previous opinions and directives by the competent committees which set as main goals the territorial expansion of the Union, assistance to developing countries, and cooperation with the United Nations. As far as the Berne Union was concerned, he offered to eliminate from the program the meeting for English-speaking African countries, opposed by the Representative of the United Kingdom. He asked for the maintenance of the Latin American Seminar and the traineeships.

55. Dr. BOGSCH (BIRPI) said that the budget of the Berne Union would show no deficit if the unused funds of 1965 were to be transferred. The expected deficit of the Paris Union - some \$ 8,000 - was minimal, provisional, and amply covered by a reserve fund ten times larger. The imbalance of The Hague and Madrid Unions was also minimal and this was the reason why the Director of BIRPI did not propose an increase in the registration fees. He would, however, be only too glad to see these fees increased. The matter was entirely and solely within the hands of the Governments of the Member States of

the Madrid and The Hague Unions. The amount referred to by the Representative of Switzerland was expected to be between 300,000 and 400,000 Swiss francs.

56. The Committee noted, with approval, the contents of documents CCIU/III/4 and 9, it being understood that:

(a) the proposed Berne Union Committee of Experts to adapt the African Model Copyright Law for the use of English-speaking countries would be struck off the program;

(b) an East-West Industrial Property Seminar to be convened by the Director of BIRPI in Budapest would be added to the program.

APPROVAL OF THE PRESENT REPORT

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CLOSURE OF THE SESSION

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