

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)

### REPORT ON THE ACTIVITIES OF BIRPI SINCE OCTOBER 1964

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Period covered by this Report

1. This document contains a summary of the activities of BIRPI since the last session (the second) of the Inter-union Coordination Committee (September 28 to October 2, 1964) until the end of June 1965.

Composition of this Report

2. This document is divided into six main parts, the first dealing with questions of interest to BIRPI as a whole and the remaining five dealing, respectively, with the Paris, Madrid, The Hague, Nice and Berne Unions.

3. This document is a report on the activities of BIRPI during the nine months elapsing from October 1964 to June 1965. It only touches upon financial questions and the future program, finances being covered in Document CCIU/III/3 and also in the Management Report for 1964, and the future program in Document CCIU/III/4. Similarly, staff matters are dealt with separately in Document CCIU/III/7, and not in the present document.

QUESTIONS OF INTEREST TO BIRPI AS A WHOLEStructural Reorganization

4. The Committee of Experts on the Administrative Structure of International Cooperation in the Field of Intellectual Property (hereinafter referred to as "the Committee of Experts") met in Geneva, from March 22 to April 2, 1965, at the invitation of the Director of BIRPI and in pursuance of a joint Resolution by the Permanent Committee of the Berne Union and the Permanent Bureau of the Paris Union, adopted in 1962.

5. Of the Member States of the Paris and Berne Unions, 37 were represented: Australia, Austria, Belgium, Brazil, Canada, Congo (Leopoldville), Czechoslovak Socialist Republic, Denmark, Finland, France, Federal Republic of Germany, Greece, Hungarian People's Republic,



India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Lebanon, Luxembourg, Monaco, Morocco, Netherlands, New Zealand, Norway, Pakistan, Polish People's Republic, Rumanian People's Republic, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Socialist Federal People's Republic of Yugoslavia.

6. The Union of Soviet Socialist Republics was represented by observers, its admission to the Paris Union becoming effective only on July 1, 1965.

7. Four intergovernmental organizations were also represented by observers.

8. The Committee of Experts had before it the texts of a draft convention entitled "Convention of the World Intellectual Property Organization" and a draft Resolution which a Working Group (hereinafter referred to as "the Working Group of 1964"), consisting of experts from ten Member States of the Paris and Berne Unions, had drawn up in May 1964. The Committee of Experts also had before it an Introductory Report drawn up by the Secretariat of BIRPI with the assistance of experts of the Government of Sweden, the prospective host of the Stockholm Revision Conference scheduled to take place in 1967.

9. It should be recalled that the main objective of the Draft Convention prepared by the Working Group of 1964 was to provide for an administrative framework in which the basic aims of the Paris and Berne Unions could be more efficiently served.

10. The Draft provided for the establishment of a World Intellectual Property Organization, to which Members of the Paris or Berne Unions and certain other States not Members of either of these Unions (hereinafter referred to as "Third States") could adhere. It also provided for a General Conference of all these States and an Executive Board emanating from the General Conference. It further provided for a General Assembly and an Executive Committee for each of the Unions, and a Coordination Committee. Finally, it provided for a



Secretariat, regulated the finances of the Organization and the Unions, and contained other provisions usual in international treaties of this kind.

11. The Committee of Experts made some important changes in the drafts of the Working Group of 1964, both in respect of the structure of the proposed instruments and in respect of the proposed changes in the administrative structure of the various Unions administered by BIRPI and BIRPI's proposed successor to which the new drafts gave the name "International Intellectual Property Organization" (abbreviated as "IPO").

12. As to the structure of the instruments which would incorporate and effect the changes, the Committee of Experts proposed that only matters which directly concerned IPO should be the subject of the proposed new Convention ("IPO Convention"), whereas all matters of direct and exclusive interest to the various Unions should be the subject of Protocols. There would be single separate Protocols, for the Paris Union, for the Berne Union, and for each of the Special Agreements or Restricted Unions existing under the Paris Convention. Each of these Protocols would be roughly identical and in harmony with the provisions of the IPO Convention. Accordingly, the Committee of Experts established the text of a Draft Protocol which would serve as a model for each Union.

13. This solution was dictated not only by legal considerations but also by the desire to underline the autonomy of each Union.

14. Each Union would have an Assembly consisting of its Member States. The Paris Union would also have an Executive Committee, elected by its Assembly and consisting of one-fourth of the Member States. The Berne Union would have a corresponding, but separate, Executive Committee, established in a similar manner. The other Unions could have Executive Committees if they so desired. In addition to the questions relating to the Assembly and the Executive Committee, the main questions regulated by the Protocol are the finances of each Union.



15. The organs of IPO would be the following: General Assembly, Coordination Committee, Conference, and Secretariat - the last-mentioned being a simple continuation of what BIRPI is today. Membership in IPO would not be limited to States Members of the Unions, but membership in the General Assembly would be limited to such States. The Conference - having mainly consultative functions only - would include all Members of IPO, that is, also States not Members of any of the Unions (so-called "Third States"). The Coordination Committee would consist of the States Members of the Executive Committees of the Paris and Berne Unions. It is to be noted that, whereas the Draft of the Working Group of 1964 provided for a General Conference including also Third States and an Executive Board as an emanation of the General Conference, the Drafts adopted by the Committee of Experts provide for neither of these organs.

16. In addition to the Draft Protocol and the Draft IPO Convention, the Committee of Experts also adopted a Draft Resolution concerning the limited provisional application, on an interim basis, of the instruments to be adopted at Stockholm, and a list of consequential changes which would have to be made in the various existing Conventions and Agreements in respect of administrative provisions therein.

17. Some of the experts made certain reservations in connection with the various texts adopted by the Committee of Experts. These are mentioned in the Report adopted by the Committee of Experts.

18. The matters dealt with by the Committee of Experts are expected to be further discussed and finalized at the Stockholm Diplomatic Conference scheduled for 1967.

19. On the basis of the texts drawn up by the Committee of Experts and with the assistance of BIRPI, the Swedish Government will present official proposals for the Stockholm Conference. These official proposals will be communicated to Governments, in the spring of 1966, for comments and possible counter-proposals, and to certain intergovernmental and non-governmental organizations (still to be determined), for observations.



Paris Convention for the Protection  
of New Varieties of Plants

20. It appears that this Convention, signed in 1961 at Paris, might possibly obtain, either in 1966 or 1967, the required number of ratifications (three) to bring it into force. In view of this possibility, negotiations have been started between the countries signatories to the Convention, the Swiss Government as Supervisory Authority of the future Union, and BIRPI, on the subject of the part which the latter might play in the administration of the Convention once it comes into force.

THE PARIS UNION  
AND INDUSTRIAL PROPERTY IN GENERAL

New Members of the Paris Union

21. The following countries have become Members of the Paris Union: Zambia (April 6, 1965), Southern Rhodesia (April 6, 1965), Mauritania (April 11, 1965), Kenya (June 14, 1965), Uganda (June 14, 1965), Union of Soviet Socialist Republics (July 1, 1965).

Developing Countries

22. A Committee of Experts to Study a Model Law for Developing Countries on Inventions and Technical Know-How met in Geneva, at the invitation of BIRPI, from October 19 to 23, 1964. It consisted of representatives of developing countries only. However, in June 1964, BIRPI communicated, for possible comments, the texts of the Draft Model Law and the Commentary to those Member States of the Paris Union which, not being "developing countries" in the sense given to this expression in United Nations circles, had not been invited to the Committee. The Governments of some of these countries availed themselves of this opportunity to make suggestions concerning the Draft. The same texts were also communicated, for comments, to the United Nations and to six other international organizations which were all represented at the meeting of the Committee as observers and which took an active part in the discussions of the Committee.



23. The countries represented at the meeting were the following: Algeria, Argentina, Ceylon, Chile, Colombia, Dominican Republic, El Salvador, Haiti, India, Indonesia, Iran, Israel, Kenya, Mexico, Nicaragua, Nigeria, Sierra Leone, Sudan, Tanganyika and Zanzibar, Thailand, Uganda, Venezuela.

24. The Committee examined the Draft Model Law, Article by Article. It expressed its views on possible improvements in both the Draft Law and the Commentary. On the basis of these views, BIRPI established the final text of the Model Law and the Commentary.

25. At the conclusion of its work, the Committee unanimously adopted a Recommendation inviting BIRPI to keep in touch with the Governments of developing countries and with all international organizations, conferences, or other bodies which deal with the problems of developing countries, and to continue to offer to them:

- (i) assistance, on the basis of the revised Draft Law and its explanatory statement, in connection with the adaptation or adoption of legislation in the field of inventions,
- (ii) assistance in the evaluation of the role that industrial property and its protection play in the industrialization of developing countries,
- (iii) assistance in training qualified personnel to administer industrial property legislation,
- (iv) assistance in the establishment and efficient running of national or regional industrial property offices.

26. In a Report submitted by the Secretary-General of the United Nations to the Economic and Social Council of that Organization (E/4078), it is stated that the Secretariat of the United Nations had presented to the Committee in charge of the preparation of the Model Law a Note in which the Secretary-General emphasized the desirability of including in the Model Law alternative provisions to implement different policy objectives, specifically concerning such major issues as compulsory licensing and working of patents, Government review of international license agreements, and the strengthening of the administration of industrial property legislation.



27. The Report of the Secretary-General of the United Nations noted that "the Model Law as adopted by the Committee of BIRPI incorporates most of these recommendations".

28. The final text of the Model Law was published in English, in printed form, at the end of June 1965. Printed French and Spanish versions will be published during the summer and autumn of 1965.

### Training Program

29. During 1964, the national Offices of the following countries received, as trainees, officials from the developing countries indicated after the name of each inviting country:

Ireland .....	Ghana
Italy .....	Venezuela
Switzerland .....	Colombia
United Kingdom .....	Iraq
	Morocco
United States of America...	Philippines
	Thailand.

30. It seems that these programs, lasting on average for ten weeks, have been entirely successful, both from the point of view of the trainees and the Governments which had asked for the fellowships to be granted to them, and of the countries which received the trainees. The costs arising from these programs and courses (travelling expenses and subsistence allowances) were borne mainly by BIRPI. The services rendered by the Offices of the inviting countries, both in providing staff and devoting time to the instruction of these trainees, were considerable. The trainees, and BIRPI, greatly appreciated the sacrifices made by the host countries.

### Inventors' Certificates

31. A Committee of Experts on Inventors' Certificates was convened by the Director of BIRPI and met in Geneva from March 15 to 19, 1965.



32. Invitations were issued to all the Member States of the Paris Union, twenty-seven of which were represented in this Committee. Observers from three non-Member countries (Algeria, Pakistan and the Union of Soviet Socialist Republics) and from three non-governmental organizations (International Association for the Protection of Industrial Property, International Chamber of Commerce, International Federation of Patent Agents) also attended the meeting.

33. The purpose of the meeting was to examine the desirability of and possible solutions for amending the Paris Convention, so that the text of that Convention would contain express provisions on inventors' certificates.

34. At the end of its deliberations, the Committee recommended that a new provision should be inserted in Article 4 of the Paris Convention, stipulating essentially that "applications for inventors' certificates filed in a country in which applicants have a right to apply, at their own discretion, either for a patent or for an inventor's certificate shall be treated in the same manner and have the same effects, for the purpose of the right of priority under this Article, as applications for patents."

35. For full details on this meeting, see the Report by Mr. William Wallace, United Kingdom Delegate and Rapporteur of the Committee, published in Industrial Property, 1965, pages 76 et seq.

Advisory Group of the International Committee  
of Novelty-Examining Patent Offices

36. The International Committee of Novelty-Examining Patent Offices decided, at its First Session in October 1964, to leave the further study of two questions (statistics, index of corresponding patents) to an advisory group.

37. The Advisory Group met, at the invitation of BIRPI, in Geneva on March 11 and 12, 1965. Ten countries were represented: Austria, Canada, Federal Republic of Germany, France, Japan, Poland, Sweden, Switzerland,



United Kingdom of Great Britain and Northern Ireland, United States of America. The International Patent Institute and ICIREPAT (Committee for International Cooperation in Information Retrieval among Examining Patent Offices) were represented by observers.

38. Industrial Property Statistics: The Advisory Group examined the form and the wording of the draft statistical questionnaire whose contents were discussed by the full Committee in October 1964. These questionnaires will be used for the first time for the 1964 statistics. They will cover patents, utility models, plant varieties, inventors' certificates, industrial designs, and trademarks.

39. The Advisory Group expressed the opinion that the Committee should study the desirability of gathering statistics on the life span of patents, broken down by categories of inventions according to the International Classification, and by the countries of origin of the patentees.

40. Index of Patents and Published Patent Applications Relating to the same Invention: The Committee had expressed the wish in October 1964 that the possibilities of establishing an information service as to published patent applications and patents relating to the same invention be explored. The main objective of the service would be to give information, in respect to a given invention, on two questions, namely: (i) in which countries of the world it has been the subject of an application for a patent (in so far as national legislations provide for disclosure of this information even if a patent is never granted); (ii) in which countries a patent for the invention has actually been granted. Classification, according to the nature of the inventions, and other relevant data increasing the usefulness of the service to Patent Offices and inventors and users of inventions would also be taken into account.

41. BIRPI prepared for the Advisory Group a working paper outlining the elements and the estimated cost of such a service.

42. The Advisory Group expressed the opinion that the exploratory studies should be continued by BIRPI. These studies are in progress.



Committee of Experts for the International  
Classification of Industrial Designs

43. A Committee of Experts for the International Classification of Industrial Designs, convened by the Director of BIRPI, met in Geneva from October 12 to 16, 1964.

44. The Committee was composed of experts appointed by the following States: Austria, Czechoslovakia, Denmark, France, Italy, Netherlands, Norway, Poland, Spain, Sweden, Switzerland, United Kingdom, United States of America.

45. On the basis of the working documents established by BIRPI, the Committee adopted a Draft International Classification consisting of 32 classes. This Draft was communicated, for study and comments, to the States concerned, and it will be examined again during 1966.

Publications

46. The reviews, La Propriété industrielle and Industrial Property, have been published monthly, as usual.

47. After further study of the question whether a new edition of the Tableau des Brevets should be issued, it was decided to defer publication, at least for the time being. It would appear that the estimated receipts from the sale of this Table would be far from sufficient to cover the costs of preparing it, and that the work involved would represent a fairly onerous undertaking.

48. The collecting of legislative texts with a view to the possible publication of compilations of Patent Laws and Treaties of the World and Trademark Laws and Treaties of the World has been pursued. Lists of the texts in force have been sent to the competent national Administrations to be checked.



MADRID UNION

International Registrations

49. In 1964, the number of international trademark registrations rose to 14,423. This is the highest figure recorded so far.

50. For the first half of 1965, a fall in the number of registrations has been noted, as compared with 1964. The reduction is in the region of 8%. If this tendency persists, the receipts for 1965 will barely be sufficient to cover the expenses of the Trademark Service. The financial year may even close with a slight deficit, but this deficit will be covered without posing any problem, as the Madrid Union has a reserve fund of more than 1,400,000 Swiss francs which is intended precisely to meet such eventualities.

Nice Text of the Madrid Agreement

51. The Nice Act of the Madrid Agreement will come into force on December 15, 1966.

52. In order to prepare the application measures relating to the entry into force of the Act, and more specifically to finalize the Draft Regulations, the ad hoc Committee of Directors of National Offices of Member States of the Madrid Union will meet at Geneva in December 1965. The Secretariat is now preparing the working documents which will serve as a basis of discussion for this Committee.

THE HAGUE UNION

International Deposits

53. Since 1963, the number of deposits registered has shown a slight decrease: 1962, 2,385; 1963, 2,158; 1964, 2,113.



54. On the basis of the statistics for the first six months of 1965, there are again signs of a decrease. Unless there is an important alteration in this trend, the year will again show a deficit. In 1964, the deficit amounted to 22,000 francs; in 1963, it totalled 21,000 francs.

### NICE UNION

#### Committee of Experts

55. The Committee of Experts for the International Classification of Goods and Services to which Trademarks are Applied met in Geneva from May 4 to 7, 1965. It reviewed and completed the Classification established in 1963.

56. The amendments made will be published in the reviews, La Propriété industrielle, Industrial Property and Les Marques internationales, and in the form of a supplement to the French volume (Classification).

#### Publications

57. The following translations of the Classification are now in course of preparation:

- an English translation, in cooperation with the Patent Office of London;
- a trilingual edition (in German-French-English), in cooperation with the Patent Offices of Munich, Berne and Vienna;
- a Spanish translation, in cooperation with the Industrial Property Office of Spain;
- an Italian translation, in cooperation with the Industrial Property Office of Italy.

58. It is expected that the English translation will be published before the end of 1965, and the others in 1966 at the earliest.



BERNE UNIONNew Adhesions

59. No further adhesion to the Berne Union was effected during the nine months under consideration (October 1964 to June 1965).

Committee of African Experts to Study  
a Model Copyright Law

60. In pursuance of one of the Recommendations adopted by the African Study Meeting on Copyright, sponsored by BIRPI and UNESCO in Brazzaville from August 5 to 10, 1963, the Director of BIRPI convened, jointly with the Director-General of UNESCO, a Committee of African Experts.

61. This Committee, which met in Geneva from November 30 to December 4, 1964, had been instructed to draft, on the basis of the working documents prepared by the Secretariats of the sponsoring Organizations with the assistance of consultants, a Model Copyright Law for African countries. Experts from the following countries participated in the proceedings: Congo (Brazzaville), Ghana, Guinea, Ivory Coast, Liberia, Morocco and Nigeria.

62. At the close of the deliberations, the Committee adopted the text of the Model Law together with a General Report forming the commentary on it (see Copyright, 1965, pages 31 et seq.). These documents were transmitted to the African States concerned, and to non-African Member States of the Union for information.

Publications

63. Le Droit d'Auteur was published monthly, as usual.

64. In pursuance of the Resolution by the Permanent Committee of the Berne Union, at its 11th Session in New Delhi (India) in 1963, the Swiss Government consulted



the Member States of the Union in 1964 with a view to authorizing BIRPI to publish a separate edition of the periodical in English.

65. The results of this consultation having been positive, Le Droit d'Auteur has been published, as from the January 1965 number, in two editions with identical contents, one in French, and the other in English (Copyright).

66. The Interunion Coordination Committee is invited to express its views on the contents of this Report.