

COMITE DE COORDINATION INTERUNIONS, QUATRIEME SESSION
INTERUNION COORDINATION COMMITTEE, FOURTH SESSION

(Genève, 26-29 septembre 1966)

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D r a f t

REPORT

Composition and Opening of the Session

1. The Fourth Ordinary Session of the Interunion Coordination Committee (hereinafter designated as "the Committee") was held at Geneva from September 26 to 29, 1966.
2. At the opening of the Session, the Committee had twenty-three members. Eighteen were represented: Belgium, Czechoslovakia, Denmark, France, Germany (Federal Republic), Hungary, India, Italy, Japan, Netherlands, Rumania, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia. Five were not represented: Brazil, Ceylon, Morocco, Nigeria, Portugal.
3. In the course of the Session, Mexico, having become a member of the Executive Committee of the International (Paris) Union for the Protection of Industrial Property, has become the twenty-fourth member of the Committee. It was represented.
4. The following ten States were represented by observers: Algeria, Australia, Austria, Democratic Republic of Congo, Greece, Poland, San Marino, Thailand, United Arab Republic, Viet-Nam.
5. The list of participants is attached to this report.
6. The meeting was opened by the Chairman of the last Session, Mr. G. Talamo Atenolfi (Italy).

Election of the New Officers

7. On the proposal of Mr. Labry (France), the Committee elected by acclamation the following delegates as Officers: Mr. C. J. de Haan (Netherlands), Chairman, and Messrs. K. Haertel (Germany (Federal Republic)) and I. Anghel (Rumania), Vice-Chairmen.

Adoption of the Agenda

8. The Committee unanimously adopted the agenda of the Session as contained in document CCIU/IV/1 Rev.

Financial Report of BIRPI for the Year 1965

9. The Committee approved unanimously, and without discussion, the report of the Director of BIRPI on certain financial questions concerning the year 1965, as contained in document CCIU/IV/4.

Proposed Changes in the Budget for 1966

10. The Committee expressed, without discussion, its unanimous agreement with, and its favorable opinion on, the suggestions concerning certain financial questions, as contained in document CCIU/IV/10.

Staff Matters

11. This item was discussed on the basis of documents CCIU/IV/6, 6 Addendum, and 9.

12. As to document CCIU/IV/6, and with the exception noted in paragraph (f) below, the following unanimous decisions were taken:

(a) Paragraphs 1 and 2 concerning the number and geographic distribution of the staff were noted without comment.

(b) Paragraph 3 concerning the integration of the staff into the "common system" was noted without comment.

(c) Paragraphs 4 to 8 concerning the introduction of the "gross" system and the adjustment of the contributions of BIRPI and the staff to that system were noted with approval.

(d) Paragraph 9 concerning the Classification Committee was noted without comment.

(e) Paragraphs 10 to 16 did not require a decision.

(f) Paragraphs 25 to 28 proposing the raising of the age-limit for certain children's allowances were put to a vote, which gave the following result: 5 for, 5 against, and 6 abstentions.

(g) Paragraphs 29 to 32 concerning cost-of-living allowances for retired staff members were noted with approval.

13. Document CCIU/IV/6 Add. contained a suggestion for the retention of Mr. Ch.-L. Magnin, Deputy Director, in active service for a period not extending beyond December 31, 1968. The Committee expressed, by acclamation, its approval of the suggestion.

14. (a) Document CCIU/IV/9 asked for the expression of an opinion on the Director's intention to accord to Mr. Ross Woodley the grade of D/1. A favorable opinion was unanimously expressed by the Committee.

(b) In the course of the discussion on this matter, Mr. Anghel (Rumania) expressed the opinion that the post in question was a new post and that the staff rules would be violated if it was not filled after the announcement of a vacancy and an open competition.

(c) Mr. Artemiev (USSR) expressed his agreement with the opinion of Mr. Anghel.

(d) The Director of BIRPI explained that, in his view, the post was not a new one, but that the question was that of a promotion and the severing of certain tasks from Mr. Woodley's present post, and of inviting applications for a grade P/5 post which would carry with it the duties thus severed.

(e) Mr. Winter (United States) expressed his agreement with the Director's interpretation of the staff rules.

(f) The Chairman noted the tacit approval of this interpretation by the Delegations, except for those of Rumania and the Soviet Union.

(g) On a question from Mr. Morf (Switzerland), Dr. Bogsch (BIRPI) said that the increase in salary which would follow from Mr. Woodley's promotion could be absorbed by the proposed budget.

Technical and Administrative Cooperation between the Union
for the Protection of New Varieties of Plants and the
other Unions administered by BIRPI

15. The discussion was based on document CCIU/IV/7.

16. After a discussion in which participated Mr. Grant (United Kingdom), Mr. Savignon (France), Mr. de Sanctis (Italy), Mr. Phaf (Netherlands), Mr. Anghel (Rumania), Mr. Morf (Switzerland), and the Director of BIRPI, the Committee unanimously agreed on the following principles and procedure:

(a) The autonomy of the Plant Union must be entirely preserved as far as all matters concerning the protection of new varieties of plants are concerned.

(b) The administration of the Plant Union--unless completely separate--should be under one direction, namely that of BIRPI, as the Director of BIRPI must remain master in his own house.

(c) Should the Director of BIRPI wish to be assisted by provisional advice before the next meeting of the Interunion Coordination Committee, he will convene a group consisting of representatives of Germany (Federal Republic), Switzerland, the Soviet Union, the United Kingdom, and the United States of America.

(d) If final decisions have to be reached before the next Ordinary Session of the Interunion Coordination Committee, scheduled for December 1967, an Extraordinary Session of that Committee will be convened before the Director of BIRPI accepts any final arrangement.

Report on the Activities of BIRPI since October 1965

17. The discussion was based on documents CCIU/IV/3 and CCIU/IV/8.

18. (a) In connection with paragraphs 56 to 58 of document CCIU/IV/3 dealing with UNESCO's plan for a possible African copyright convention, Mr. Rohmer (France) asked whether the Director of BIRPI had taken or would take any steps.

(b) The Director of BIRPI replied that he had written to the Director-General of UNESCO concerning the non-application of the working agreement between BIRPI and UNESCO, a working agreement which called for consultation before any new action of possible common interest. Such consultation had not been initiated by UNESCO although the

Berne Convention had fifteen African member States (as against five for the Universal Copyright Convention administered by UNESCO) and any African convention would therefore affect the Berne Convention. The Director-General of UNESCO had replied that the proposal had the endorsement of the Executive Board of UNESCO and would go before the next Session of UNESCO's General Conference.

(c) Mr. de Sanctis (Italy) expressed the view that an African convention would not necessarily harm the Berne Convention because of the safeguard clauses written into both the Berne and Universal Conventions.

(d) Mr. Kordač (Czechoslovakia) said that UNESCO's initiative was not necessarily in contradiction with universality. African countries which were not party to either the Universal Copyright Convention or the Berne Convention might need the African convention envisaged by UNESCO.

(e) Mr. Phaf (Netherlands) said that the lack of preliminary consultation by UNESCO was a serious case of non-application of the BIRPI-UNESCO working agreement.

19. (a) In connection with document CCIU/IV/8, concerning cooperation with the United Nations, Mr. Anghel (Rumania) expressed the view that BIRPI did not do enough to facilitate the transfer of technology and should study means to contribute to this program of the United Nations.

(b) The Director of BIRPI replied that the task was divided between the United Nations and BIRPI. The former dealt with the technological and economic aspects, and BIRPI with the legal and administrative aspects related to industrial property. Thus, for example, the model laws, seminars, and fellowships, sponsored by BIRPI, were intended to create better legal and administrative conditions for the transfer of technology by industrialized countries to developing countries.

20. (a) Mr. Brenner (United States of America) expressed appreciation to BIRPI for having invited the United States to the recent meetings of the Madrid Union (International Registration of Trademarks) and for furnishing advice and information in connection with the study of the United States Patent Office on the question of the adherence of the United States to the Madrid Union.

(b) The Chairman said that such adherence would be of the utmost importance to all concerned.

Program and Budget of BIRPI for 1966

21. This item was discussed on the basis of document CCIU/IV/5, and in the light of the discussion which had taken place, as far as the program and budget of the Paris Union were concerned, in the Executive Committee of that Union.

22. The Director of BIRPI referred to the reasons, explained in detail in the document under consideration, for the deficits budgeted for 1967 in the case of the Berne and Hague Unions. As far as the Berne Union was concerned, the deficit could be eliminated only if the Copyright Seminar and the Copyright Training Course, both designed to assist developing countries, were taken out of the program. He would not like to do that. As far as the Hague Union was concerned, the deficit was caused by the fact of the registration fees being too low. He intended to ask for these fees to be increased at the Stockholm Conference.

23. On a question from Mr. Grant (United Kingdom), the Director of BIRPI said that he had asked, by circular letter addressed to the member States, whether they desired the holding of a diplomatic conference for the conclusion of a special agreement on the protection of type faces. Only a few replies had been received, and they were mostly negative. Consequently, the plan for a treaty on the subject was abandoned for the time being.

24. (a) Mr. Mansingh (India) said that his country would welcome more fellowships in the field of copyright; such fellowships should give an opportunity for training of a longer duration than just a few weeks. He would regret it if the Copyright Seminar and Training Course were struck from the program.

(b) The Director pointed out the difficulties of organizing training in the field of copyright in view of the fact that only very few countries had a Government Office specialized in copyright questions. Perhaps after the Training Course, and in collaboration with certain authors' societies, it might become possible to organize meaningful fellowships in the field of copyright.

25. (a) Mr. Voyame (Switzerland) said that one should not wait for the increase in the registration fees of the Hague Union but proceed urgently in accordance with the procedure provided for in Article 3 of the Additional Act of Monaco of 1961.

(b) Mr. Phaf (Netherlands) agreed with Mr. Voyame.

(c) Mr. Labry (France) expressed his agreement with Messrs. Voyame and Phaf and suggested that the fees should be raised without delay.

(d) The Director of BIRPI said that he was ready to proceed with the suggestions of the Delegations of Switzerland, the Netherlands, and France, as soon as it became technically possible--probably before the end of the current year (1966).

(e) The Committee noted with approval the suggestion of Mr. Voyame.

26. (a) Mr. Voyame (Switzerland) said that the participation of the Madrid Union in the expenses of the "Direction" (55%) and in the expenses of the administrative reform part of the Stockholm Conference (ca. 57%) was excessive and out of proportion to the interest of the Madrid Union in these budgetary items. He realized that the application of these percentages was in conformity with the earlier decisions of the Committee, but urged that the percentages of the Madrid Union be revised and reduced at the beginning of 1968. The additional amounts which would become necessary on account of the lowering of the percentages of the Madrid Union would have to come from the other Unions.

(b) Messrs. Savignon (France), Talamo (Italy) and Anghel (Rumania), expressed agreement with the observations and suggestions of Mr. [Voyame.

(c) The Director of BIRPI said that it had always been understood that the percentages in question would be re-examined after the Stockholm Conference. Evidently, a lowering of the percentages of the Madrid Union would necessarily lead to a substantial increase in the contributions of the member States of the Paris and Berne Unions. Proposals for such increases would be made to the Stockholm Conference or the 1967 Session of the Interunion Coordination Committee.

27. (a) The Director of BIRPI called to the attention of the Committee the proposal that the next Ordinary Session of the Committee take place not in September (as the rules would require) but in December 1967. This would be an exceptional case justified by the need to have a few months between the Stockholm Conference (scheduled to end on July 14, 1967) and the next Session of the Committee.

(b) The Committee noted with approval the Director's communication.

28. Subject to paragraph 25, above, the Committee unanimously expressed a favorable view on the plans and proposals contained in document CCIU/IV/5.