

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

BIRPI

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

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

(Genève, 26-29 septembre 1966)

(Geneva, September 26 to 29, 1966)

ADDENDUM TO THE
REPORT ON THE ACTIVITIES OF BIRPI
SINCE OCTOBER 1965
COOPERATION WITH THE UNITED NATIONS

1. Since the 1965 sessions of the Interunion Coordination Committee and the Executive Committee of the Paris Union, BIRPI has continued its cooperation with the United Nations within the terms of its working agreement with that Organization.

2. The present report covers the period from October 1965 to August 1966 and has been held back so that any developments in the Forty-first Session of the Economic and Social Council, which has recently terminated in Geneva, could be reported.

United Nations General Assembly

3. BIRPI was represented at the Twentieth Session of the United Nations General Assembly in New York in November 1965 which considered and approved the Secretary-General's report on the Role of Patents in the Transfer of Technology to Developing Countries. Resolution 2091(XX) requested inter alia "that the competent international bodies including United Nations bodies and the Bureau of the International Union for the Protection of Industrial Property give particular attention to requests from Governments of developing countries for technical assistance in the field of industrial

property legislation and administration."

Asian Conference on Industrialization

4. A BIRPI representative was present at the Asian Conference on Industrialization in Manila in December 1965 and was able to dissuade the Conference from making certain recommendations to the developing countries of the region on industrial property legislation which BIRPI felt would not be in their best interests. He also expressed his disagreement with the statement in one of the working papers that no developing country of the ECAFE region would stand to gain any advantage from membership of the Paris Union and the paper was not recommended for further consideration.

Advisory Committee on the Application of Science and Technology to Development

5. In November 1965 in New York and March 1966 in Geneva, BIRPI was represented at meetings of the Advisory Committee on the Application of Science and Technology to Development. The report contains the following passage of particular interest to BIRPI:

"Easing the Financial Burden of Know-How Acquisition

120. The Committee attaches special importance to possible means for reducing the cost of the acquisition and practical operation of foreign technology to emerging industries and countries. These possibilities might relate, for example, to financial assistance to the know-how recipients through loans or aid, provided to the know-how suppliers by either their own Governments directly, for example, out of aid allocations, or indirectly, through tax concessions or guarantees, or from international financial resources. Reference was made to the special possibilities available in the case of innovations which were in the public domain or had been developed by, or with, support from public, semi-public or non-profit agencies.

121. The Committee looks forward to a systematic study in this field by the Secretary-General, in consultation with the United International Bureaux for the Protection of Intellectual Property (BIRPI) and other international and national bodies concerned (both public and private), with a view toward formulating specific proposals for remedial action."

6. The Committee also adopted a draft resolution for a World Plan of Action for the Application of Science and Technology to Development which was later considered by the Economic and Social Council (see below).

Economic Commission for Europe

7. In April 1966, BIRPI was represented at a Consultation of Experts under the auspices of the Economic Commission for Europe which discussed the transfer of know-how. The meeting noted the interest of BIRPI in the subject of know-how so far as it concerned patents and readily agreed that future work would be continued in consultation with BIRPI.

Committee for Industrial Development

8. In April 1966, BIRPI was represented at the Sixth Session in New York of the Committee for Industrial Development. This was an important Session as it was the last to take place before the Committee is absorbed by the United Nations Organization for Industrial Development (UNOID) and the Committee had before it the report of an Ad Hoc Committee (at which BIRPI was not represented) for the establishment of UNOID.

9. This report contained inter alia a draft resolution setting out the functions of the new body. This was largely inspired by the 21 developing countries amongst the 36 Members of the Ad Hoc Committee and was finally accepted as a compromise. The Ad Hoc Committee reports directly to the General Assembly and, as 21 Members of that Committee made reservations to the draft resolution, it is probable that there will be further discussion before the draft is adopted.

10. BIRPI's concern relates to one of the proposed functions of UNOID which is to propose "measures for the improvement of the international system of industrial property, with a view to accelerating the transfer of technical know-how to developing countries and to strengthening the role of patents consistent with national interests as an incentive to industrial innovations."

11. In this connection, the Director of BIRPI has addressed the following Note to the Foreign Ministers of all Member States of the Paris Union which are also Members of the United Nations:

"The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister of Foreign Affairs of and has the honour to call the attention of his Government--as a member of both the United Nations and of the International (Paris) Union for the Protection of Industrial Property--to the following matter concerning the proposed United Nations Organization for Industrial Development (UNOID).

As known, the forthcoming session of the General Assembly of the United Nations--starting next month in New York--will be asked to decide the establishment of UNOID and pass a resolution concerning its functions and organization. A draft resolution to this effect, as proposed by the Ad Hoc Committee on the UNOID, is contained in UN document No. A/6229 and will be submitted to the General Assembly.

Among the proposed functions of UNOID appears the following:

"... the Organization shall undertake ... operational activities, including in particular: ... (x) Proposing measures for the improvement of the international system of industrial property, with a view to accelerating the transfer of technical know-how to developing countries and to strengthening the role of patents consistent with national interests as an incentive to industrial innovations" (Draft resolution, item II.2(a)(x); see page 24 of the English text of document A/6229).

In view of the fact that the Paris Union and its Secretariat (BIRPI) have been created for the very purpose of improving the international system of industrial property, and in view of the fact that BIRPI is the only intergovernmental body specialized in all aspects of international cooperation in the industrial property field, it would seem to be indicated

that the quoted passage of the proposed resolution be completed by an indication that UNOID would propose any such measures in close cooperation with the International Union for the Protection of Industrial Property.

Such cooperation would be desirable in order to secure better results, as BIRPI has a long experience in the field. It would also be indicated in order to avoid duplication as BIRPI is, and will continue to be, active in assisting developing countries. A summary of such activities is attached as Annex A.

The proposed reference to cooperation would parallel similar references to other intergovernmental organizations in other passages of the proposed resolution (see, for example, items (viii) and (ix) of paragraph 2(a)) and would be in harmony with the provisions of the working agreement between the United Nations and BIRPI, whose text is attached as Annex B. Precedent for such reference is furnished by UN General Assembly resolutions 1713(XVI) and 2091(XX) which deal with transfer of technology and which expressly provide for the cooperation of the International Union for the Protection of Industrial Property.

Incidentally, it might be observed that the term "industrial property," used in the draft resolution, seems to be too broad, since it also encompasses trademarks which fall rather in the field of commerce than that of industry. It might therefore be preferable to replace "industrial property" by "protection of inventions," in the final text of the Resolution.

The Director of BIRPI would appreciate it if the Government of ... would take into consideration the above suggestions when formulating its instructions to its Delegation to the Twenty-first Session of the General Assembly of the United Nations.

August 2, 1966."

/The Annexes have not been reproduced/

Economic and Social Council

12. In July 1966, BIRPI was represented at the Forty-first Session of ECOSOC in Geneva. The Council approved the Report of the Advisory Committee on the Application of Science and Technology to Development and the Report of the Committee for Industrial Development. With regard to the former, the draft resolution for a World Plan of Action was considerably redrafted but still provides for

cooperation with interested bodies in the transfer of technology.

13. With regard to the latter Report, a good deal of discussion took place on the draft resolution of the Ad Hoc Committee on UNOID, and, in regard to the paragraph on industrial property legislation (quoted in paragraph 11 above), the Delegate of the United Kingdom said that:

"With regard to the functions to be performed by UNOID, he hoped that the new organization, when tackling the question of the international system of industrial property, with a view to accelerating the transfer of technical know-how to developing countries and to strengthening the role of patents as an incentive to industrial innovation, would work in close cooperation with the United International Bureaux for the Protection of Intellectual Property (BIRPI), which had done useful work in those various spheres."

14. The Council also adopted a resolution to hold an International Symposium on Industrialization during 1967, probably in New Delhi. This provides for the participation of intergovernmental organizations having a special interest in industrial development.

15. The Interunion
Coordination Committee
is requested to express
its opinion on the
present report.