

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

BIRPI

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OF INTELLECTUAL PROPERTY
GENEVA, SWITZERLAND

COMITÉ DE COORDINATION INTERUNIONS, CINQUIÈME SESSION INTERUNION COORDINATION COMMITTEE, FIFTH SESSION

(Genève, 18-21 décembre 1967)
(Geneva, December 18 to 21, 1967)

REPORT

Composition and Opening of the Session

1. The Fifth Ordinary Session of the Interunion Coordination Committee (hereinafter designated as "the Committee") was held at Geneva from December 18 to 21, 1967.
2. At the opening of the Session, the Committee had twenty-four members. Twenty-two were represented: Belgium, Brazil, Czechoslovakia, Denmark, France, Germany (Federal Republic), Hungary, India, Italy, Japan, Mexico, Morocco, Netherlands, Portugal, Rumania, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia. Two were not represented: Ceylon and Nigeria.
3. The following 23 States were represented by observers: Algeria, Argentina, Australia, Austria, Bulgaria, Cameroon, Canada, Democratic Republic of the Congo, Finland, Greece, Iran, Ireland, Israel, Kenya, Lebanon, Luxembourg, Malta, Monaco, Norway, Poland, San Marino, Turkey, United Arab Republic.
4. The list of participants is attached to this report.
5. The meeting was opened by the Chairman of the last Session, Mr. C.J. de Haan (Netherlands).

Adoption of the Agenda

6. The Committee unanimously adopted the agenda of the Session as contained in document CCIU/V/2.

Election of New Officers

7. The following new Officers were unanimously elected: Mr. A. Krieger (Germany (Federal Republic)), Chairman, and Messrs. J.C. Ribeiro (Brazil), and F. Kristek (Czechoslovakia), Vice-Chairmen.

Amendment of the Rules of Procedure

8. The Committee decided to amend its rules of procedure by omitting (i) the words "the minutes" in Article 19, (ii) the words "minutes and" in the title of Section X, (iii) all of Article 25, (iv) the words "and the minutes" in Article 27.

Report on the Activities of BIRPI since September 1966

9. The reports contained in documents CCIU/V/3 and CCIU/V/14 were noted with approval.

10. The question of relations between BIRPI and the United Nations Commission on International Trade Law (UNCITRAL) was considered on the basis of document CCIU/V/9. The policy outlined in Annex III to that document, after having been expressly supported by several Representatives--including, in particular, the Representative of the United States of America as to point 6, and the Representatives of Cameroon, France, Germany (Federal Republic), the Soviet Union, the United Kingdom, and the United States of America, as to points 20 and 21--was unanimously approved by the Committee.

11. Document CCIU/V/10 concerning the Patent Cooperation Treaty, having been acted upon by the Conference of Representatives, was simply noted by the Committee.

Financial Report on the Year 1966

12. The report on certain financial questions (document CCIU/V/4) and the Management Report for 1966 were noted with approval by the Committee.

Program and Budget of BIRPI for the Year 1968

13. The draft program and budget for 1968 were discussed on the basis of documents CCIU/V/5 and CCIU/V/13.

14. As to the Madrid Union, the Secretariat reported that the forecasts made in August 1967 for the year 1968 would probably have to be revised during 1968 as the results of recent months had shown that the income of 1968 would probably be less and the expenditure more than originally expected. A meeting of the competent organ of the Madrid Union might have to be convened in 1968 to revise the schedule of fees in order to meet the new situation.

15. Although the Representatives of France, Germany (Federal Republic), and the United Kingdom, expressed some doubts as to the usefulness of an international classification of the figurative elements (if any) of marks, the Committee, by a vote of 12 in favor, none against, and 4 abstentions, declared its approval of the suggestion to convene a committee of experts in order to consider the questions referred to in paragraph 8 of document CCIU/V/13. This paragraph provides for the convocation, in 1968, of a committee of experts on the said classification. Any decision on the question whether the classification should be made the subject of an international agreement was reserved until such time as the Interunion Coordination Committee would be informed of the recommendations of the said committee of experts.

16. In connection with the program of the Berne Union, the Director of BIRPI informed the Committee of the decisions of the Permanent Committee of the Berne Union and the Inter-governmental Copyright Committee established by the Universal Copyright Convention, decisions which those Committees had made on December 14, 1967. According to those decisions, it would probably be necessary for BIRPI to bear part of the cost of a joint working group meeting of the two Committees, and the Berne Union's share in joint extraordinary sessions

of the same Committees. Furthermore, the program concerning Recommendation III of the Stockholm Conference of 1967 (document CCIU/V/5, page 21, item B.10) would have to be accelerated and reinforced, probably by convening an international meeting. The funds necessary for covering the expenses of those additional activities would be obtained by economies made in other program items, in particular, by the postponement until a later year of the Telecommunications Satellites Working Group (ibid, item B.8). Those changes in the program and their proposed financing were noted with approval by the Committee.

17. Pursuant to interventions by the Representatives of Austria, France, and India, the Committee noted the declaration of the Director of BIRPI that the percentages applied to the item "Extension of Building" were provisional, were based on the present situation as regards the utilization of surfaces in the Headquarters Building, and would be reviewed step by step (au fur et à mesure) as plans became clearer on how much use each Union was expected to make of the useful surfaces of the planned extension to the present building.

18. As to the percentages applied to the "Director's Office" (document CCIU/V/5, paragraph 28), the Representative of France expressed the view that the 45% allotted to the Madrid Union was still too high. The Director of BIRPI replied that as far as 1968 was concerned the 45% was fully justified. On the understanding that each year the percentages were capable of modification in the light of the then prevailing circumstances, the Committee unanimously approved the proposals contained in the said paragraph.

19. In connection with translations of the Nice Agreement Classification, the Committee noted that a Portuguese translation, rather than an Italian translation, was likely to be completed in 1968 (document CCIU/V/5, page 19, item N.1).

20. In connection with the general tables of expenditure and receipts appearing in document CCIU/V/5, the Representative of Switzerland suggested that, in future, they should also include the figures showing the actual amounts spent in the preceding year.

21. Subject to the qualifications stated in the preceding paragraphs, the program and budget proposals for 1968, as contained in documents CCIU/V/5 and CCIU/V/13, were noted with approval by the Committee.

Staff Matters

22. Documents CCIU/V/6 and 12 served as a basis for the discussions.

23.(a) The Representatives of Brazil, India, Cameroon, and Kenya, all urged that the geographical distribution of BIRPI staff should be improved, particularly by the employment of nationals of developing countries.

(b) The Director of BIRPI having pointed out the smallness of BIRPI's budget, which did not allow the employment of persons requiring on-the-job training in the special field of intellectual property or in languages, various suggestions were made.

(c) The Representative of India suggested the creation of a training post for copyright matters in which each incumbent would stay for two or three years and then return to his country.

(d) The Representative of Brazil suggested recruitment of nationals of developing countries in higher posts so that incumbents could directly influence the Secretariat's outlook on matters concerning developing countries.

(e) The Representative of Cameroon claimed at least one post for a developing country in Africa. He said that it was unjust not to have such employees. Staff members should be trained, if necessary, on the job both as to intellectual property matters and language. Other intergovernmental organizations followed this method, and with considerable success.

(f) The Representative of Kenya said that duplicate posts should be created and manned by nationals of developing countries so that each incumbent of a duplicate post, by observing the work of the holder of the corresponding post and working with him, could be trained on the job.

(g) The Director of BIRPI said that these suggestions would receive the most careful consideration and that he would do his utmost in the matter of employing nationals of developing countries.

24.(a) The question of the salaries of the Director and Deputy Directors was considered by the Committee at great length. During the debates, at which the Director and the Deputy Directors were not present, the various views were explained in great detail.

(b) The Representative of Switzerland pointed out that, in fixing the present salaries of the Director and the Deputy Directors, the Swiss Federal Council also considered the arguments presented during the 1965 Session of the Committee and compared the salaries and functions of the Director and Deputy Directors of BIRPI with the salaries and functions of the chief executives of other intergovernmental organizations.

(c) The Representatives of the Soviet Union, Germany (Federal Republic), Hungary, and Kenya, expressly supported the proposal contained in document CCIU/V/6 as modified by document CCIU/V/12. On the other hand, the Representative of the United Kingdom stated that, to his regret, he had formal instructions from his Government to oppose the proposals.

(d) In an effort to reach a general agreement without the need of a formal vote, the Chairman proposed a compromise solution which implied the rejection of the higher amounts suggested in document CCIU/V/12 and, in essence, reiterated and confirmed the advice given by the Committee in its session of 1965. That advice had been adopted by 10 votes in favor, 2 against, and 5 abstentions. The amounts involved had not been entirely accepted by the Swiss Government. On the other hand, as to the link with the UN salaries, the Chairman called the attention of the Committee to the fact that the present salaries of the Director and the Deputy Directors were already tied, as were all other salaries in BIRPI, to the UN system and this was pursuant to the Committee's advice in 1965.

(e) This compromise was expressly supported by the Representatives of Italy, Germany (Federal Republic), Denmark, and Canada. The Representatives of the United States and

France expressed reservations on certain points, as noted below. The Representative of the Netherlands said that his silence and that of other Representatives should be interpreted as indicating acceptance of the compromise. The Representative of Switzerland said that due to the special position of his Government he could not express an opinion.

(f) Thereupon, the Committee expressed the following views, subject to the individual declarations of three Representatives noted in paragraph (g) below:

(i) The salary of the Director should be \$25,200, and the Deputy Directorial salary should be \$21,000

(ii) The Swiss Government should tie these salaries to the UN system by expressing them in percentages of an appropriate grade in the UN salary system, so that changes in that system would automatically be followed.

(g) The Representative of the United Kingdom opposed both points (i) and (ii). The Representative of the United States said that, had the proposal been put to a vote, he would have abstained, while the Representative of France said that he would have abstained only on point (ii).

25. The other points in document CCIU/V/6 were noted by the Committee with approval.

Plant Varieties Union

26. The matter of the administration of the Plant Varieties Union was considered on the basis of documents CCIU/V/7 and CCIU/V/11.

27. On a question by the Representative of Germany (Federal Republic), the Director of BIRPI declared that the three-year period mentioned in paragraph 6 of document CCIU/V/11 should be understood as meaning that, after the first three years, the arrangements would continue indefinitely unless they were revised by common agreement, or unless they were denounced by either party, subject to one year's notice. The Representative of Germany (Federal Republic) noted this declaration with satisfaction but said that the minimum period should be four or five years rather than three.

28. It was generally understood that the Plant Union was entirely free to accept or reject--or rather to recommend to the Swiss Government that it accept or reject--the suggestion contained in Plan A as modified in document CCIU/V/11, paragraph 7.

29. The Representative of France emphasized that, whenever he spoke about integration, he meant integrated administrative services only, since, as far as substantive matters of plant protection were concerned, complete independence of the Plant Union was a matter of course, and he further observed that Plan A took the same position.

30. On the above understanding, the Committee unanimously supported Plan A as modified in paragraph 7 of document CCIU/V/11.

Closing of the Session

31. The Session was closed by its Chairman, Mr. A. Krieger (Federal Republic of Germany).

32. The present report was unanimously adopted by the Committee in its closing meeting on December 21, 1967.

LIST OF PARTICIPANTS

MEMBER STATES OF THE COMMITTEE

Belgium

Mr. J.C. VERLINDEN, Secretary of Administration, Industrial and Commercial Property Service, Ministry of Economic Affairs, Brussels

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Mr. F. KRÍSTEK, Chairman, Office for Patents and Inventions, Prague

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Mr. R. SINGER, Regierungsdirektor, German Patent Office, Munich.

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