

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

BIRPI

UNITED INTERNATIONAL
BUREAUX FOR THE PROTECTION
OF INTELLECTUAL PROPERTY
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COMITÉ DE COORDINATION INTERUNIONS, CINQUIÈME SESSION INTERUNION COORDINATION COMMITTEE, FIFTH SESSION

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REPORT ON THE ACTIVITIES OF BIRPI SINCE JULY 1966

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Period covered by this Report

1. This document contains a summary of the activities of BIRPI since the last report to the fourth-session of the Interunion Coordination Committee which was held in September 1966.

Composition of this Report

2. This document is divided into seven main parts, the first dealing with matters of interest to BIRPI as a whole, that is, all the Unions, and the remaining six dealing, respectively, with the Paris, Madrid, Hague, Nice, Lisbon and Berne Unions.

3. This document covers the period from July 1966 to July 1967. Financial questions and the future program are only lightly touched upon, the finances of 1966 being covered in the Management Report for 1966, and in document CCIU/V/4, and the program for 1968 being dealt with in document CCIU/V/5. Staff matters are also dealt with separately, in document CCIU/V/6, and not in the present document.

MATTERS OF INTEREST TO BIRPI AS A WHOLE

The Stockholm Conference, 1967

4. The "Intellectual Property Conference of Stockholm, 1967" took place from June 11 to July 14, in the capital of Sweden. It was organized by BIRPI and the Government of Sweden.

5. Seventy-three States, eleven intergovernmental organizations, and twenty-five international non-governmental organizations, were represented by over 500 delegates and observers. BIRPI was represented by twenty members of the staff.

6. The following seventy States were represented by delegates (the figure appearing in brackets after the name of each country indicates the number of delegates present): Algeria (6), Argentina (2), Australia (4), Austria (6), Belgium (10), Brazil (7), Bulgaria (6),

Byelorussian Soviet Socialist Republic (1), Cameroon (1), Canada (10), Central African Republic (1), Chile (1), Colombia (1), Congo (Brazzaville) (2), Congo (Kinshasa) (1), Cuba (2), Czechoslovakia (9), Denmark (12), Ecuador (1), Finland (7), France (25), Gabon (4), Germany (Federal Republic) (11), Greece (4), Guatemala (1), Holy See (1), Hungary (8), Iceland (2), India (6), Indonesia (1), Iran (4), Ireland (3), Israel (4), Italy (21), Ivory Coast (3), Japan (14), Kenya (2), Liechtenstein (1), Luxembourg (3), Madagascar (2), Mexico (2), Monaco (3), Morocco (3), Netherlands (13), Nicaragua (1), Niger (2), Norway (9), Peru (3), Philippines (1), Poland (7), Portugal (6), Rumania (3), Senegal (3), South Africa (4), Spain (12), Sweden (26), Switzerland (6), Thailand (3), Togo (1), Tunisia (6), Turkey (3), Uganda (1), Ukrainian Soviet Socialist Republic (1), Union of Soviet Socialist Republics (11), United Arab Republic (2), United Kingdom (9), United States of America (28), Uruguay (2), Venezuela (3), Yugoslavia (9).

7. The following three States were represented by an observer: Dominican Republic, Ethiopia and the Republic of Korea.

8. The following eleven intergovernmental organizations were represented by observers (the figure appearing in brackets after the name of each organization indicates the number of observers present): United Nations (1), United Nations Educational, Scientific and Cultural Organization (2), United Nations Industrial Development Organization (1), International Patent Institute (1), International Institute for the Unification of Private Law (1), European Free Trade Association (1), European Economic Community (2), European Atomic Energy Community (3), Council for Mutual Economic Assistance (3), Council of Europe (2), African and Malagasy Industrial Property Office (2).

9. Of the following twenty-five international non-governmental organizations, the first nineteen were primarily interested in copyright, whereas the last six were primarily interested in industrial property (the figure appearing in brackets after the name of each organization indicates the number of observers present): Asian Broadcasting Union (2), European Broadcasting Union (7), International Alliance for Diffusion by Wire (2), International Bureau for Mechanical Reproduction (4), International Confederation of Societies of Authors and Composers (6), International Federation of Actors (3), International Federation of Film Distributors' Associations (2), International Federation of Film Producers' Associations (1), International Federation of Journalists (1), International Federation of

Musicians (3), International Federation of Newspaper Publishers (1), International Federation of the Phonographic Industry (5), Internationale Gesellschaft für Urheberrecht (5), International Literary and Artistic Association (3), International Publishers Association (5), International Secretariat of Entertainment Trade Unions (2), International Union of Cinematograph Exhibitors (2), International Writers Guild (1), Union of National Radio and Television Organizations of Africa (2), Inter American Association of Industrial Property (1), International Association for the Protection of Industrial Property (1), International Chamber of Commerce (2), International Federation of Patent Agents (8), International League against Unfair Competition (1), Union of European Patent Agents (5).

10. Each Convention and Agreement had its own Plenary with its own elected officers. The work of the Conference was shared between five "Main Committees":

- I. Berne Convention: Substantive Copyright Provisions. This Committee held twenty-eight meetings.
- II. Berne Convention: Protocol Regarding Developing Countries. This Committee held ten meetings.
- III. Paris Convention: Inventors' Certificates. This Committee held three meetings.
- IV. Berne Convention, Paris Convention and the Special Agreements: Administrative Provisions and Final Clauses. This Committee held twenty-one meetings.
- V. All countries participating in the Conference: Establishment of the World Intellectual Property Organization. This Committee held eleven meetings.

In addition, there were one joint session of Main Committees I and II, one joint session of Main Committees I and IV, three joint sessions of Main Committees II and IV, and one joint session of Main Committees IV and V.

11. The following treaties were adopted in the course of the Conference:

- (1) A Convention establishing the World Intellectual Property Organization ("WIPO").
- (2) The Stockholm Act of the Berne Convention for the Protection of Literary and Artistic Works ("Berne Convention").
- (3) The Stockholm Act of the Paris Convention for the Protection of Industrial Property ("Paris Convention").
- (4) The Stockholm Act of the Madrid Agreement concerning the International Registration of Marks ("Madrid (Marks) Agreement").
- (5) An Additional Act ("the Stockholm Additional Act") to the Madrid Agreement on the repression of False or Misleading Indications of Source on Goods ("Madrid (False Indications) Agreement").
- (6) A Complementary Act ("the Stockholm Complementary Act") to the Hague Agreement concerning the International Deposit of Industrial Designs ("Hague Agreement").
- (7) The Stockholm Act of the Nice Agreement concerning the Classification of Goods and Services for the Purposes of the Registration of Marks ("Nice Agreement").
- (8) The Stockholm Act of the Lisbon Agreement concerning the Protection of Appellations of Origin and their International Registration ("Lisbon Agreement").

12. These treaties as well as a Final Act were signed by a certain number of States at Stockholm on July 14, 1967. They remain open for signature in the Ministry of Foreign Affairs of Sweden at Stockholm until January 13, 1968.

13. In addition to the said treaties, the following Decisions and Recommendations were adopted in the course of the Stockholm Conference: (i) decision on the ceiling of contributions in the Paris Union, (ii) decision on the ceiling of contributions in the Berne Union, (iii) recommendation on Priority Fees under the Paris Convention, (iv) three recommendations in the field of copyright.

14. The revisions of the substantive provisions of the Paris Convention and of the Berne Convention are dealt with in paragraphs 29, 93 to 95 below, respectively. The Stockholm Acts of the Paris and Berne Conventions contain revised administrative and final clauses (see paragraphs 30 to 32 and 97, below). The Stockholm Acts of the Madrid (Trademarks), Madrid (Indications of Source), Hague, Nice and Lisbon Agreements contain revised administrative and final clauses similar to those adopted for the Paris Union, which is their parent Union.

The World Intellectual Property Organization

15. The Convention establishing the World Intellectual Property Organization, adopted at the Stockholm Conference, will enter into force three months after ten States members of the Paris Union and seven States members of the Berne Union have ratified it. If a State is a member of both Unions, it will be counted in both groups.

16. The objectives of WIPO are:

- (i) to promote the protection of intellectual property throughout the world through cooperation among States and, where appropriate, in collaboration with any other international organization,
- (ii) to ensure administrative cooperation among the Unions.

17. Membership in WIPO will be open to any State which is a member of any of the Unions administered by BIRPI, and to any other State, provided that it satisfies one of the following conditions: (i) it is a member of the United Nations, or one of its specialized Agencies, or the International Atomic Energy Agency, (ii) it is a party to the Statute of the International Court of Justice, (iii) it has been invited by the General Assembly of WIPO to become a party to the WIPO Convention.

18. There will be four organs of WIPO: a General Assembly consisting of the States members of the Organization which are also members of any of the Unions; a Conference consisting of the States members of the Organization whether or not they are members of any of the Unions; a Coordination Committee consisting of the States members of the Organization which are members of the Executive Committee of the Paris Union, or the Executive Committee of the Berne Union, or both; the International Bureau.
19. The Conference, an organ which will be constituted both by States members of the Unions and States not yet members of any of the Unions, will be a forum for the general promotion of the protection of intellectual property, on a world-wide basis. It is hoped that the developing countries will actively participate in the work of the Conference, the functions of which will include: the discussion of matters of general interest in the field of intellectual property, the adoption of recommendations relating to such matters, and the establishment of programs of legal-technical assistance for the developing countries.
20. The Coordination Committee will, both as to its functions and composition, be very similar to the existing Interunion Coordination Committee.
21. WIPO will have two separate budgets: the budget of expenses common to the Unions, and the budget of the Conference. The budget of expenses common to the Unions will include provision for expenses of interest to several Unions. The budget of the Conference will include provision for the expenses of holding sessions of the Conference and for the cost of the legal-technical assistance program. This budget will be financed by contributions of States members of the Organization not members of any of the Unions and by voluntary contributions from the Unions.
22. States members of any of the Unions which have not become party to the Convention at the time when it enters into force, will be able to exercise, if they so wish, the same rights as if they had become party to the Convention for five years from the date of its entry into force. Such States will be deemed members of the General Assembly and the Conference until the expiration of the five years period.

23. As long as there are States members of the Paris or Berne Unions which have not become party to the Convention, the International Bureau and the Director General of WIPO will also function as BIRPI and its Director, respectively. The staff in the employment of BIRPI during this transitional period will be considered as also employed by the International Bureau.

BIRPI Library

24. On the 15th August, 1967, the holdings of the BIRPI Library amounted to 11,251 catalogued titles (i. e. more than 15,000 volumes), in addition to 550 serials from throughout the world, constituting a collection of 8,000 volumes. These collections are consulted not only by BIRPI officials, but also by delegates and representatives of BIRPI's Member States and by numerous readers concerned with our domain. A special feature of the Library is its complete collection of BIRPI "Archives," which consist of the records of Conferences, Meetings of Experts, etc..., held or sponsored by the Bureaux. These documents are listed in a mimeographed catalogue, (BIF/79, Etude bibliographique de la Bibliothèque des BIRPI, No. 4).

25. Access to the Library's collection is by a set of card catalogues, compiled according to author, title, subject and geographical region. These are supplemented by special catalogues, such as the "GRUR-KARTEI" and indexes to the BIRPI publications, Propriété industrielle, Industrial Property, Droit d'Auteur and Copyright, which date back to 1900. In addition, the catalogue of the Library's periodicals exists both as a card file and in book form (the latter was reproduced as document BIF/50, Etude bibliographique de la Bibliothèque des BIRPI, No. 1) and is kept up to date by new editions, issued periodically.

26. As a result of the gradual re-cataloguing of the older part of the Library's holdings, and by using the range of files at their disposal, the librarians are now able to carry out all bibliographical research asked of their service, by BIRPI's own officials, by delegates, national Administrations, and by individual request. The result of such research has been a series of "Bibliographical Studies" (Etudes bibliographiques), which may be obtained freely by anyone who would find them useful.

27. The Library's Reading Room is open daily to readers from within and without BIRPI and regular contact with its readers, and the public in general, is maintained by publishing a regular monthly list of the latest titles and periodicals which have been catalogued by the Library staff.

PARIS UNION
AND INDUSTRIAL PROPERTY IN GENERAL

New Members of the Paris Union

28. The following States have become members of the International Union for the Protection of Industrial Property (Paris Union): Argentina, on February 10, 1967, Dahomey, on January 10, 1967, Uruguay, on March 18, 1967, and Togo, on September 10, 1967.

Revision Conference of Stockholm
Substantive Reform

29. At the Intellectual Property Conference of Stockholm, Article 4 of the Paris Convention was completed. The new section provides, in essence, that applications for inventors' certificates must be recognized as a basis for priority for patents and vice versa.

Administrative and Structural Reform

30. As mentioned in paragraph 14 above, the administrative provisions and final clauses of the Paris Convention and its Special Agreements were revised by the Stockholm Conference. The main result of the revision of the administrative provisions is the modernization of the administration, including the finances, and the structure, of the Unions.

31. The main changes are:

- the establishment of new organs (Assembly and Executive Committee) of member countries;
- the transfer of the power of supervision of the Secretariat, approval of the program and the budget, and appointment of the head of the International Bureau, from the Swiss Government to the Governments of the member countries;
- the institution of a more flexible system of contributions;

- simpler procedure for the modification of administrative provisions;
- the transfer of the responsibility of preparing for revision conferences from the host countries of such conferences to the organs of the Unions.

32. Among the more important innovations in the final clauses are:

- a provision on settlement of disputes concerning the interpretation of the Paris Convention;
- a provision according to which countries outside the Paris Union which accede to the Stockholm Act, and the Stockholm Act alone, are obliged to extend the benefits of the Stockholm Act also to countries of the Paris Union which are bound only by earlier Acts than the Stockholm Act, and according to which such other countries may apply to them the provisions of the most recent Act to which they are party;
- a provision transferring the depository functions from the Swiss Government to the International Bureau.

Relations between the Paris Union and the World
Intellectual Property Organization

33. The Convention establishing WIPO must be ratified by ten States members of the Paris Union before it may enter into force.

34. The member countries of the Paris Union accepting the WIPO Convention are members of the General Assembly and the Conference of WIPO, and if they are also members of the Executive Committee of the Paris Union, they are automatically members of the Coordination Committee of WIPO.

35. For the appointment of the Director General, the approval of measures proposed by the Director General concerning the administration of international agreements, and the transfer of headquarters, it will be necessary for the required majority to be attained not only in the General Assembly of WIPO, but also in the Assembly of the Paris Union and the Assembly of the Berné Union.

36. Possible contributions to the budget of the Conference of WIPO from the Paris Union will be voluntary.

+ Model Law for Developing Countries on Marks, Trade Names, and Acts of Unfair Competition

37. The Committee of Experts on a Model Law for Developing Countries on Marks, Trade Names and Acts of Unfair Competition, convened by BIRPI, met in Geneva from November 7 to 11, 1966.

38. Thirty-two countries--all "developing" according to the criteria of the United Nations--were represented. The United Nations and seven other international organizations attended as observers. The Committee examined and recommended modifications in the draft model law and commentary, which had been prepared by BIRPI to serve as a basis for discussion.

39. On the basis of this advice, BIRPI reviewed the text of the Model Law and the Commentary. The new text was published in English in the summer of 1967. The Spanish and French versions will follow in the autumn of 1967.

40. At the conclusion of its work, the Committee unanimously adopted a recommendation expressing the view that the draft reflected the special needs of developing countries and represented a useful model for legislation in these countries. The recommendation urges the developing countries which are not yet parties to the Paris Convention to consider acceding thereto.

+ BIRPI East-West Industrial Property Symposium

41. From October 30 to November 4, 1966, BIRPI organized, in cooperation with the Hungarian Authorities, an East-West Industrial Property Symposium, in Budapest.

42. The Symposium consisted of twenty-four lectures and the general discussion which followed each lecture. The lecturers, who were well-known specialists in the subject matter and equal in number from Western countries and the Socialist countries of Eastern Europe, dealt with the practical aspects of patent and trademark protection, including in particular the questions of securing protection, exploiting it through assignment and licensing, and defending it when infringed. The number of registered participants was 469; they came from 27 countries.

43. The text of the lectures was published by BIRPI in March 1967. A detailed report of the Symposium was published in Industrial Property, 1966, page 271.

Plan for a Patent Cooperation Treaty

44. On a proposal presented to it by the Delegation of the United States of America, the Executive Committee of the Paris Union adopted, on September 29, 1966, a recommendation asking the Director of BIRPI to undertake urgently a study on solutions tending to reduce the duplication of effort both for applicants and national patent offices in consultation with outside experts to be invited by him and giving due regard to the efforts of other international organizations and groups of States to solve similar problems, with a view to making specific recommendations for further action, including the conclusion of special agreements within the framework of the Paris Union.

45. In accordance with this recommendation, the Director of BIRPI consulted with experts from the six States which have the highest number of applications and from the International Patent Institute. The six States were the following: France, Federal Republic of Germany, Japan, Soviet Union, United Kingdom, United States of America. The consultations took place during the months of January to April, 1967.

46. On the basis of these consultations, a draft treaty has been prepared. It is the tentative view of the Director of BIRPI that any "further action" should consist of, or include, the conclusion of a special agreement within the framework of the Paris Union.

47. Before, however, arriving at any firm recommendation, the Director of BIRPI, in agreement with the consultants referred to above, wishes to continue his consultations with a group of experts from a greater number of States.

48. To this end, a Committee of Experts on the BIRPI Plan for Facilitating the Filing and Examination of Applications for the Protection of the Same Invention in a Number of Countries has been convened to meet in Geneva from October 2 to 10, 1967. Twenty-four States and twenty international organizations have been invited to participate. The States were selected on the basis of the criterion that at least 5,000 applications for patents or inventors' certificates were filed in their national offices according to the most recent statistics available.

49. A supplement to this report to be issued in December 1967 will deal with the results of the October 1967 Meeting of the Committee of Experts.

+ Plan for a World Patent Index

50. Studies concerning the feasibility of establishing a World Patent Index Service have continued during the year. A Prospectus for Financing the Establishment of the System has been published. It contains a detailed analysis of the cost of the system and estimates of income from its services.

51. A "Report of the Director of BIRPI on Financing" the system, which deals with the question of the initial financing of the World Patent Index Service by Governments, has been sent to the Governments of the member countries of the Paris Union, together with the document mentioned in the preceding paragraph. Interest in cooperating with BIRPI in the establishment of the system has also been shown by certain private publishing concerns.

Cooperation between United Nations and BIRPI

52. Since the last meeting of the Interunion Coordination Committee in September 1966, BIRPI has continued and extended its cooperation with the United Nations and its various subsidiary bodies.

53. One of the most important features of United Nations activities from BIRPI's point of view has been the establishment of a new United Nations body for industrial development.

54. (a) BIRPI was represented at the Twenty-First General Assembly which adopted a resolution establishing the United Nations Industrial Development Organization (UNIDO), one of whose functions will be to propose "in cooperation with the international bodies or intergovernmental regional bodies concerned with industrial property, 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." The Assembly established a Board of forty-five members, each for a period of three years. As at present constituted, the Board includes thirty-three members of the Paris Union.

(b) The first meeting of the Board took place from April 10 to 29, 1967, and BIRPI was unofficially represented. BIRPI's principle concern was to ensure that it would be associated in the future work of the Board and at this meeting was able to secure its designation under the Rules of Procedure as one of four inter-governmental organizations so far designated to be in permanent association with the Board. In accordance with this designation, BIRPI has received and accepted an invitation to be represented at the International Symposium on Industrialization to be held in Athens in December 1967.

55. (a) At the same session of the General Assembly, the Assembly adopted a resolution to establish a United Nations Commission on International Trade Law (UNCITRAL). This resolution was based on a report by the Secretary-General which sets out fully the Conventions administered by BIRPI and BIRPI's present and future program for harmonization by the publication of model laws on the various subjects of industrial property.

(b) The Commission will consist of representatives of twenty-nine States elected at the next session of the General Assembly for a term of six years. The function of the Commission will be "the promotion of the progressive harmonization and unification of the law of international trade" and includes the promotion of "wider participation in existing international conventions and wider acceptance of existing model and uniform laws." BIRPI is already in touch with the Legal Division of the United Nations and has responded fully to a request from the Legal Counsel for information on BIRPI's activities to be included in the documentation for the first meeting of the Commission early in 1968. BIRPI will no doubt be associated with the Commission when its Rules of Procedure have been established.

56. BIRPI was also represented at the Invisibles Committee of the Trade and Development Board, the Forty-Second and Forty-Third Sessions of the Economic and Social Council, on a Working Group on Know-How of the Economic Commission for Europe and, at the time this note is written, is currently represented at the Fifth Session of the Trade and Development Board.

57. In August 1967, the Course for Foreign Service Officers from Developing Countries, organized by the United Nations Institute for Training and Research (UNITAR) visited BIRPI and was addressed on the activities and program of BIRPI.

The Council of Europe

58. BIRPI has participated in the work of the Committee of Experts on Patents of the Council of Europe. BIRPI representatives attended meetings of the Working Party of the Committee of Experts held in Strasbourg from November 21 to 25, 1966, from March 13 to 17, 1967, and from April 3 to 7, 1967.

59. The Working Party is concerned with the revision of the European Convention relating to the Formalities required for Patent Applications, of December 11, 1953. Its work will continue in the fall and winter 1967/1968.

ICIREPAT

60. BIRPI has participated in the activities of the Committee for International Cooperation in Information Retrieval among Examining Patent Offices. BIRPI representatives attended the 6th Annual Meeting of the Committee, which was held in the Hague from October 10 to October 20, 1966.

61. BIRPI has also taken an active interest in the work of Standing Committee II, which is concerned with equipment and is responsible for the study of problem areas related to the operative phase of the ICIREPAT Cooperative Program, and of Standing Committee III, which is concerned with terminology, standardization, and classification systems.

62. BIRPI was represented at a meeting of Standing Committee II held in Washington from May 8 to 13, 1967. The Committee is engaged in the study of media suitable for international exchange purposes (microfilm aperture cards, microform, magnetic and punched paper tape, etc.).

63. The Spring Meeting of Standing Committee III was held at BIRPI Headquarters in Geneva from April 24 to 28, 1967. BIRPI is particularly interested in a proposed ICIREPAT procedure for the identification by numbers of data on the first page of patent specifications and in entries in Patent Gazettes. Such a system would greatly facilitate the collection of data for the World Patent Index. BIRPI has therefore submitted various working papers to the Committee proposing a numbering system and illustrating its practical application on typical first pages of patent specifications.

Training Program

64. In the current year (1967), BIRPI has continued its program of technical assistance in the field of Industrial Property, in collaboration with the competent authorities of States members of the Paris Union.
65. The following eighteen States, in response to a request addressed by BIRPI to the Industrial Property Administrations of 29 States members of the Paris Union, indicated that they were ready to accept trainees from developing countries for a training period of from two to three months: Australia, Austria, Czechoslovakia, Federal Republic of Germany, France, Ireland, Israel, Italy, Japan, Netherlands, Norway, Poland, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom, United States of America and Yugoslavia.
66. BIRPI contacted 42 States members of the Paris Union and 35 non-member States--all developing countries--to ask them whether they wished to present candidates for the 1967 technical assistance program.
67. Applications were received from the following fourteen countries: Colombia, Congo (Brazzaville), Cyprus, Ghana, Greece, Guatemala, India, Indonesia, Kenya, Malawi, Philippines, Sudan, Thailand, and Uganda.
68. It is impossible, for budgetary reasons, for all these applications to be satisfied. Besides, it is necessary to take into account, among other considerations, the linguistic abilities of the candidates in relation to the offers received by BIRPI from the national Offices.
69. At the date of writing this report, the training program for 1967 is not finalized. The present situation is the following:
- a national of Ghana has completed his training in London and Manchester (July/August);
 - a national of the Sudan has completed his training in London (July/August);
 - a national of Malawi will train in Dublin;
 - arrangements are being made for nationals of Cyprus, India, Indonesia and Kenya to undergo training.

Publications

70. The review, Industrial Property, continues to be published monthly.

71. New publications issued during the year, other than those already mentioned, are a volume in two languages (English and French) containing the texts of lectures given during the BIRPI Lecture Course on Industrial Property (Geneva, 1965), and a second edition of the "BIRPI Bibliography of the Official Publications of National Industrial Property Offices."

MADRID UNION

Entry into Force of the Nice Act

72. The Nice Act of the Madrid Agreement concerning the International Registration of Trademarks entered into force on December 15, 1966, among the following fifteen countries: Belgium, Czechoslovakia, France, Federal Republic of Germany, Italy, Luxembourg, Monaco, Netherlands, Portugal, Rumania, San Marino, Spain, Switzerland, United Arab Republic and Yugoslavia. The usual situation pertains with regard to the Democratic Republic of Germany.

73. Subsequently, the Nice Act of the Madrid Agreement has been ratified by the following three States: Hungary, with effect from March 23, 1967; Liechtenstein, with effect from May 29, 1967, and Tunisia, with effect from August 28, 1967.

74. Spain has declared that it no longer wishes to be bound by the texts earlier than the Nice Act. This declaration became effective on December 15, 1966.

75. The following States have declared, under Article 3bis of the Nice Act, that the protection resulting from international registration shall not extend to them unless the proprietor of the mark expressly requests it: Belgium (December 15, 1966), Italy (June 14, 1967), Luxembourg (December 15, 1966), Monaco (December 15, 1966), Netherlands (December 15, 1966), Portugal (December 15, 1966), Rumania (June 10, 1967), Spain (December 15, 1966), Tunisia (August 28, 1967), United Arab Republic (March 1, 1967). The dates in parentheses indicate the date on which the declaration became effective. The Democratic Republic of Germany has made a similar declaration with effect from October 25, 1967.

International Registrations

76. The number of international trademark registrations reached in 1966 an unprecedented 24,259. This increase (nearly 10,000 more than the number registered in 1965) was mainly due to the imminent entry into force of the Nice Act under which the fees became higher. The number of registrations during the first six months of 1967 is lower than

the average of the last years for the same period, but if the present trend continues, it should not be too far from the average towards the end of 1967.

Ad Hoc Conference and Committee of Directors

77. The Ad Hoc Conference of Directors of National Industrial Property Offices met in Geneva, on December 13 and 14, 1966. Upon the entry into force of the Nice Act on December 15, 1966, the Ad Hoc Conference was transformed into the Committee of Directors of National Industrial Property Offices of the Madrid Union set up under Article 10 of the Nice Act. The Committee met on December 15 and 16, 1966.

78. The Committee adopted its Rules of Procedure and adopted Transitional Regulations for Implementing the Madrid Agreement. It took certain decisions concerning the application of surplus receipts for the financial year 1966, in respect of the Union, and, also examined certain questions of a legal and administrative nature relating to certain provisions of the Nice Act.

79. The Committee requested the Director of BIRPI to study the advisability of preparing a revision of the Nice Act.

X "Guide du déposant"

80. A definitive edition of the Guide du déposant (French only) was published by BIRPI in June 1967. This Guide is intended to facilitate the understanding and application of the new system introduced by the entry into force of the Nice Act on December 15, 1966.

THE HAGUE UNION

Notifications concerning the Union

81. The Additional Act of Monaco of November 18, 1961, was ratified in 1966 by Liechtenstein, with effect from July 9, 1966.

82. The Hague Act of November 28, 1960, was ratified by France in 1962, by Switzerland in 1963, and by Liechtenstein in 1966. Failing the required number of ratifications, this Act is not yet in force.

International Deposits

83. The number of international deposits in 1966 rose to 2,434. This was higher than in any other previous year. The fees were increased with effect from June 1, 1967 for those countries bound by the Additional Act of Monaco, but so far only caused a slight drop in the number of deposits.

NICE UNION

New Members

84. The following six States have notified their adherence to the special Union concerning the International Classification of Goods and Services to which Trademarks are Applied (Nice Union), with effect from the dates appearing after their names: Hungary (March 23, 1967), Ireland (December 12, 1966), Liechtenstein (May 29, 1967), Morocco (October 1, 1966), Tunisia (May 29, 1967) and Yugoslavia (August 30, 1966).

Committee of Experts

85. The Committee of Experts for the International Classification of Goods and Services, set up under Article 3 of the Nice Agreement, held its fourth session at Geneva from April 18 to 21, 1967, at the Headquarters of BIRPI. The Committee made certain decisions concerning modifications, additions and deletions to the list of classes, to the "Explanatory Notes" and to the alphabetical list of goods and services. The changes were published in the June 1967 issue of "Industrial Property".

86. A second supplement to the French edition of the International Classification, in which the contents of the first supplement have been combined, will be published in the autumn of 1967.

LISBON UNION

Entry into force

87. The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration entered into force on September 25, 1966, among the following seven countries: Cuba, Czechoslovakia, France, Haiti, Israel, Mexico and Portugal. Subsequently, Hungary has ratified the Agreement, with effect from March 23, 1967. The Council, established by the Lisbon Agreement, held its first ordinary session in Geneva on September 29 and 30, 1966. It adopted its Statutes and Rules of Procedure. So far only one country, Czechoslovakia, has availed itself of the possibility offered to member countries for registering appellations of origin with BIRPI. It has filed 56 applications for registration at the date of writing this Report.

BERNE UNION

New Members

88. The following three States have acceded to the International Union for the Protection of Literary and Artistic Works (Berne Union), with effect from the dates appearing after their names: Argentina (June 10, 1967), Mexico (June 11, 1967), and Uruguay (July 10, 1967).

Permanent Committee

89. The Permanent Committee of the International Union for the Protection of Literary and Artistic Works met in extraordinary session, from March 14 to 16, 1967, at Geneva. The twelve member States of the Permanent Committee were represented.

90. The session was motivated by the necessity for the Director of BIRPI to have the advice of the Committee on the attitude to be adopted towards the problems posed by the possibility of a revision of the Universal Copyright Convention, which would affect in particular the conditions governing the application of Article XVII of that Convention and of the Appendix Declaration relating thereto (the so-called Berne Union safeguard clause), as envisaged in Resolution No. 5122 passed by the General Conference of Unesco at its 14th session (October 25 to November 30, 1966). The Director-General of Unesco had invited States parties to the Convention to notify him by May 1, 1967, whether they wished a revision Conference to be convened.

91. The Committee unanimously adopted a resolution to the effect that to adopt a final position was premature and that the question should be reexamined after the Stockholm Conference. It invited the Director of BIRPI to make a detailed report to the next session of the Permanent Committee and to propose to the Chairman of the Intergovernmental Copyright Committee that the matter be discussed in its next joint session with the Permanent Committee. It was suggested that the Governments of the member States of the Berne Union should defer expressing a view on the advisability of revising the Universal Copyright Convention until after the December 1967 meeting of the Permanent Committee.

92. The next ordinary session of the Permanent Committee will be held, from December 12 to 15, 1967, at Geneva.

Stockholm Conference of Revision
Revision of the Substantive Provisions

93. A general revision of the substantive provisions of the Berne Convention (Articles 1 to 20) was made at the Intellectual Property Conference of Stockholm, and a Protocol containing provisions for the benefit of developing countries was annexed to the Convention.

94. The essential elements of this revision may be summed up as follows:

- (i) an extension of the principle of nationality: the protection of the Convention will apply to all works of authors who are nationals of one of the countries of the Berne Union, whether published or not and regardless of the place of publication. Non-nationals having their habitual residence in a country of the Union are assimilated to nationals of that country;
- (ii) an improved definition of publication, as well as provisions dealing with the eligibility criteria and country of origin of works;
- (iii) the prolongation of the term of moral rights until the expiry of the economic rights;
- (iv) new rules concerning the term of protection for cinematographic and photographic works and for works of applied art;
- (v) general recognition of the exclusive right of reproduction; exceptions are allowed in cases where reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author;
- (vi) abolition of the compulsory license for public performance of works by means of recordings;
- (vii) the incorporation into the Convention of a rule on the interpretation of agreements, between authors and the makers, for the exploitation of cinematographic works; this rule, called presumption of legitimation, is limited in scope and in conditions of application;

99. The role of the Berne Union in WIPO is similar to that of the Paris Union described in paragraphs 33 to 36, above.

East Asian Seminar on Copyright

100. An East Asian Seminar on Copyright, convened by BIRPI, met at the invitation of the Government of India, in New Delhi, from January 23 to 30, 1967.

101. Experts from the following East Asian countries participated in the Seminar: Afghanistan, Cambodia, Ceylon, India, Indonesia, Iran, Japan, Korea, Laos, Malaysia, Nepal, Philippines, Singapore, Thailand. Five countries--Congo (Democratic Republic), Israel, Spain, the United Kingdom, and the Soviet Union--had delegated observers. UNESCO and five international non-governmental organizations were also represented by observers.

102. The following documents were the subject of discussion: a paper entitled "The Situation in East Asian Countries Regarding Copyright," a Draft Model Copyright Law for Developing Countries, and Proposals for Revision of the Berne Convention for the Benefit of Developing Countries.

103. A detailed report of the discussions at this Seminar is published in the March 1967 issue of "Copyright."

Publications

104. The review, "Copyright," continues to be published monthly.

105. For the first time, a loose-leaf manual of all the Acts of the Berne Convention was published in English and French editions, in October 1966.

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