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# BIRPI

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

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ACTIVITIES OF BIRPI

SINCE THE LAST ORDINARY SESSION (SEPTEMBER 1968)

OF THE INTERUNION COORDINATION COMMITTEE

Report of the Director of BIRPI

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INTRODUCTION

Period covered by the present Report

1. This document contains a summary of the activities of BIRPI since the drafting of the reports submitted to the sixth ordinary session of the Interunion Coordination Committee, which was held in September 1968. It covers a period of nine months, from October 1, 1968, to July 1, 1969.

Composition of the present Report

2. This document is divided into ten main parts dealing respectively with the following matters: the Paris Union and industrial property in general; the Madrid Agreement (Indications of Source); the Special Unions of Madrid (Marks), The Hague, Nice and Lisbon; the Locarno Agreement; the Berne Union and copyright in general; the Rome Convention for the Protection of Neighboring Rights; and the World Intellectual Property Organization (WIPO).

3. This document is concerned with the carrying out of the program. Financial questions are covered in the Management Report for 1968 and in document CCIU/VII/4. The future program is dealt with in document CCIU/VII/9, and staff matters in documents CCIU/VII/7 and 8.



PARIS UNION  
AND INDUSTRIAL PROPERTY IN GENERAL

Lisbon Act

4. Accession.- Italy deposited its instrument of accession on August 15, 1968. The accession took effect on December 29, 1968.

5. Denunciation.- Laos denounced the Paris Convention with effect from November 30, 1968.

Stockholm Act

6. Signatures.- The time limit for signing the Stockholm Act (1967) of the Paris Convention for the Protection of Industrial Property expired on January 13, 1968. There are 46 signatory countries. These countries are the following: Algeria,\*) Austria, Belgium, Bulgaria,\*) Cameroon, Central African Republic, Cuba, Denmark, Finland, France, Gabon, Germany (Federal Republic), Greece, Holy See, Hungary, Iceland, Indonesia,\*) Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Liechtenstein, Luxembourg, Madagascar, Monaco, Morocco, Niger, Norway, Netherlands, Philippines, Poland,\*) Portugal, Rumania,\*) Senegal, South Africa, Spain, Sweden, Switzerland, Tunisia, Union of Soviet Socialist Republics,\*) United Kingdom, United States of America, Yugoslavia.

7. Ratifications and accessions.- The following countries deposited their instruments of ratification on the dates indicated below: Senegal, September 19, 1968; USSR, December 4, 1968 (with the reservation provided for under Article 28(2)); United Kingdom, February 26, 1969; Rumania, February 28, 1969 (with the reservation provided for under Article 28(2)). Including the ratification of Ireland (March 27, 1968), the number of ratifications and accessions was five on June 15, 1969; this number is six if the declaration of accession by the German Democratic Republic, deposited on June 20, 1968, is taken into consideration.

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\*) These countries signed the Stockholm Act subject to the reservation provided for in Article 28(2).



8. Official texts.- The official texts of the Stockholm Act of the Paris Convention in German and Italian were established and published, after consultation with the interested Governments. The official text in Spanish is being published, and the official texts in Portuguese and Russian will be published after the consultations with the interested Governments have been terminated.

Plan for a Patent Cooperation Treaty (PCT)

9. The 1968 Drafts.- On July 15, 1968, BIRPI published the so-called "1968 Drafts" of the PCT, that is, full drafts of the Treaty and the Regulations (see the PCT/III series of documents).

10. These Drafts were communicated to the Governments of the member countries of the Paris Union and the following intergovernmental and non-governmental organizations:

United Nations, International Patent Institute, Organization of American States, Council of Europe, European Communities, European Free Trade Association, African and Malagasy Industrial Property Office.

Committee of National Institutes of Patent Agents, Council of European Industrial Federations, European Industrial Research Management Association, Inter-American Association of Industrial Property, International Association for the Protection of Industrial Property, International Chamber of Commerce, International Federation of Inventors Associations, International Federation of Patent Agents, National Association of Manufacturers (USA), Union of European Patent Agents, Union of Industries of the European Community.

11. The 1968 Committee of Experts.- The 1968 Drafts were then submitted for discussion to a committee of experts ("the 1968 Committee of Experts") to which the Governments of all member countries of the Paris Union and the 18 organizations named in the preceding paragraph were invited. The meeting took place in Geneva from December 2 to 10, 1968. The following States were represented: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, Cuba, Czechoslovakia, Denmark, Finland, France, Germany (Federal Republic), Greece, Hungary, India, Indonesia, Ireland, Israel, Italy, Japan, Lebanon, Luxembourg, Monaco, Netherlands, Norway, Philippines, Poland, Portugal, Rumania, Senegal, South Africa, Soviet Union, Spain, Sweden, Switzerland, Turkey, Uganda, United Arab Republic, United Kingdom, United States of America (41). All the non-governmental organizations invited, except the Inter-American Association of Industrial Property, participated. The number of participants was over 150.



12. All participants, whether representing Governments or organizations, had an equal right and opportunity to participate in the debate and propose amendments to the Drafts.

13. The Committee examined the 1968 Drafts, article by article, and rule by rule. Its deliberations, and particularly its proposals for amendments to the 1968 Drafts--whether approved, disapproved, or not voted upon--have been recorded in detail in the report adopted by the Committee itself (PCT/III/31).

14. "The Revised Drafts".-- On the basis of the deliberations of the 1968 Committee of Experts, BIRPI revised the 1968 Drafts ("the Revised Drafts") and issued them on March 13, 1969 (PCT/R/2 and 3), to those States and organizations which it had convened to meetings in April and May, 1969 (see below).

15. Consultations in April and May, 1969.-- Three meetings were convened by BIRPI during the months of April and May, 1969, for the purpose of considering the Revised Drafts.

16. The first was a meeting of Government experts and it took place from April 21 to 24, 1969. In addition to the six States with whose national Offices the highest number of patent applications are filed, those members of the Council of Europe Working Group on Patents which are not among the said six were also invited in order to secure the possibility of complete coordination with that Group's main task, the revision of the European Convention Relating to the Formalities Required for Patent Applications. Thus, altogether, nine States were invited and they all participated. They are the following: France, Germany (Federal Republic), Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America.

17. The second was a meeting held on April 28 and 29, 1969, to which the following non-governmental organizations were invited and they all participated: Council of European Industrial Federations, European Industrial Research Management Association, International Chamber of Commerce, International Federation of Inventors Associations, Japan Patent Association, National Association of Manufacturers (USA), Union of Industries of the European Community.



18. The third was a meeting held on May 1 and 2, 1969, to which the following non-governmental organizations were invited and they all participated: The Authorized Association of Japanese Patent Attorneys, Committee of National Institutes of Patent Agents, Inter-American Association of Industrial Property, International Association for the Protection of Industrial Property, International Federation of Patent Agents, Union of European Patent Agents.

19. In addition to the above meetings, BIRPI received advice and suggestions in writing and orally from many persons.

20. The International Patent Institute was invited to and participated in the meetings referred to in paragraphs 16, 17, 18, and 21.

21. The 1969 Drafts.- On the basis of the results of these consultations and suggestions, BIRPI once more revised the drafts of both the PCT and the PCT Regulations, and, after a two-day meeting, on June 16 and 17, 1969, with experts of the nine Governments referred to in paragraph 16, above, issued them under the date of July 11, 1969 ("the 1969 Drafts").

22. These Drafts consist of the Draft PCT and the Draft PCT Regulations (documents PCT/DC/4 and 5). They are accompanied by a document describing the background of the PCT plan (PCT/DC/1), a document summarizing the provisions of the Draft PCT (PCT/DC/2), a document indicating the main differences between the 1968 Drafts and the 1969 Drafts (PCT/DC/3), as well as a document containing a PCT glossary and a subject index to the 1969 Drafts (PCT/DC/6).

23. The 1969 Drafts were mailed to the Governments of the member countries of the Paris Union, to the organizations referred to in paragraphs 10, 17 and 18, above, and to hundreds of individuals. The Governments and the non-governmental organizations were invited to comment on the Drafts in writing, preferably by the end of January 1970 but in any case no later than by the end of February 1970.



24. Contacts with States and Interested Groups.- During the last nine months covered by this report, very close contacts continued to be maintained with the six countries and the International Patent Institute, all of which are prospective International Searching and/or Preliminary Examining Authorities. As regards Germany (Federal Republic), Messrs. R. Singer and H. Mast have been sent as delegates by the German Patent Office and the Federal Ministry of Justice, respectively, to several special working meetings on the PCT Draft. The United Kingdom has done likewise by delegating Mr. E. Armitage, of the UK Patent Office, to such meetings, and the United States of America has sent Mr. W. Quesenberry. The First Deputy Director of BIRPI has visited the national Offices of Washington, Tokyo, and Moscow, as well as the International Patent Institute. The US Patent Office has sent Mr. D. Hoinkes, the Japanese Patent Office Mr. Y. Hashimoto, and the Soviet Office Messrs. I. Gyrdomov and V. Eliseev to work with BIRPI's "PCT Team" for several months. BIRPI has carried out, and is still carrying out, under contract, certain studies for the US Patent Office to assist the latter in assessing the probable impact of the PCT. Finally, the International Patent Institute has several times delegated Mr. R. Weber to work, for a number of days each time, with the BIRPI "PCT Team". (The permanent members of this Team were the First Deputy Director of BIRPI, Dr. Arpad Bogesch, the Head of the Industrial Property Division, Mr. K. Pfanner, and the Head of the PCT Section--part of the said Division--Mr. I. Morozov.)

25. Governments and non-governmental organizations have also organized special meetings in order to study PCT matters and to some of them they have invited representatives of BIRPI to explain the draft of the Treaty. The Director has thus participated in meetings of the International Chamber of Commerce (Paris) and the International Association for the Protection of Industrial Property (Zurich, Venice). The First Deputy Director visited the four Scandinavian countries (Denmark, Finland, Norway, Sweden), Canada, Japan and the United Kingdom to meet with Government representatives and organizations of industrialists and patent attorneys and agents. He participated in meetings of the National Association of Manufacturers (New York), the Comité privé d'experts en propriété industrielle de l'industrie européenne (Stuttgart), and the "PCT Coordination Committee" (a joint committee composed of representatives of US Government agencies and US bar groups) (Washington). The Head of the Industrial Property Division visited Rumania and participated in meetings of the International Chamber of Commerce, the Belgian Group of AIPPI, a meeting of the German-Italian Association of Jurists (Berlin), the Centre d'études internationales de la propriété industrielle (Strasbourg), and the Italian Federation of Scientific and Technical Associations (Milan).



Model Laws for Developing Countries

26. Model Law on Industrial Designs.- A draft model law with commentary has been prepared by BIRPI. It will be submitted to a Committee of Experts from developing countries, which is to meet in Geneva from October 27 to 31, 1969.

Study of a System of "Priority Fees"

27. Having regard to the recommendation adopted at the Stockholm Conference of 1967 and pursuant to the decisions made in September 1968 by the Interunion Coordination Committee, BIRPI is continuing its study of a system of "priority fees." The study will be entrusted to a committee of experts scheduled to meet in Geneva from September 30 to October 2, 1969.

ICIREPAT

28. During the period under consideration, the transformation of the former ICIREPAT into a "Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices" (the new ICIREPAT), which had been decided by the second ordinary session of the Conference of Representatives of the Paris Union, has been completed.

29. The third session of the Enlarged Transitional Steering Committee (ETSC) of ICIREPAT, held in Geneva on September 27, 1968, examined the draft Organizational Rules of ICIREPAT, which were then adopted by the fourth session of the Executive Committee of the Paris Union on the same day.

30. BIRPI representatives attended the Technical Meeting of ICIREPAT which took place in Tokyo from October 21 to 31, 1968.

31. The fourth session of the ETSC was held in Geneva on December 12 and 13, 1968. In that session, the ETSC proceeded to a reassessment of the activities of ICIREPAT in the field of shared systems. The ETSC noted that several participating Offices had agreed to cooperate in the development of a package of 6 new shared systems and in the continuation of 5 already advanced systems. BIRPI was requested to write a report on all other activities of ICIREPAT where substantial work had been carried out in the past. Furthermore, the ETSC decided in principle to replace the existing Standing Committees by mission-oriented Technical Committees.



32. On January 1, 1969, the Organizational Rules of the new ICIREPAT came into force. At present, the following 20 countries are participating countries of ICIREPAT:

- |                                  |                              |
|----------------------------------|------------------------------|
| 1. Australia                     | 12. Japan                    |
| 2. Austria                       | 13. Netherlands              |
| 3. Canada                        | 14. Norway                   |
| 4. Czechoslovakia                | 15. Soviet Union             |
| 5. Denmark                       | 16. Spain                    |
| 6. Finland                       | 17. Sweden                   |
| 7. France                        | 18. Switzerland              |
| 8. Germany<br>(Federal Republic) | 19. United Kingdom           |
| 9. Hungary                       | 20. United States of America |
| 10. Ireland                      |                              |
| 11. Israel                       |                              |

33. The first session of the Technical Coordination Committee (TCC) of the new ICIREPAT was held in Geneva on April 17 and 18, 1969. The following important decisions were made by the TCC:

(a) The TCC, comprising France, Germany (Federal Republic), Japan, the Soviet Union, the United Kingdom and the United States of America, coopted the Netherlands and Sweden as its two further members.

(b) The following six Technical Committees (TCs) of ICIREPAT were created:

- |        |  |
|--------|--|
| TC.I   | : Retrieval Systems Design and Testing |
| TC.II  | : Technical Fields: Forward Planning   |
| TC.III | : Advanced Computer Techniques         |
| TC.IV  | : Microform                            |
| TC.V   | : Patent Format and Printing           |
| TC.VI  | : Systems Implementation               |

At the same time, the TCC elected the Chairmen and Vice-Chairmen of the TCs and defined their terms of reference.

(c) The Advisory Board for Cooperative Systems (ABCS) was retained as a special working group.

(d) On the basis of a document prepared by BIRPI and listing all ICIREPAT activities--other than the already reassessed shared systems--the TCC proceeded to an assessment of those activities in the fields of Standardization, Microform and System Design, Implementation and Testing.



All recommendations already made by the former ICIREPAT were reconfirmed. With respect to the matters pending, the TCC decided which of those matters were to be maintained on the program of the newly created TCs.

34. All six newly created TCs met between May 27 and June 12 in Geneva to constitute themselves, to discuss their program of activities, and to make recommendations to be presented to the next meeting of the TCC.

#### World Patent Index

35. For matters concerning the World Patent Index, see document CEP/V/8, submitted to the fifth session of the Executive Committee of the Paris Union (September 1969).

#### Technical Assistance Program (Training)

36. In 1969, as in previous years, BIRPI has continued its technical assistance program intended for government officials of developing countries who work in the field of industrial property, in collaboration with the competent authorities of the member States of the Paris Union.

37. In response to a request addressed by BIRPI to the Industrial Property Offices of 23 member States of the Paris Union, the following 14 States replied that they were willing to receive trainees from developing countries for a training period ranging from two to three months: Australia, Austria, Canada, France, Germany (Federal Republic), Hungary, Japan, Netherlands, Soviet Union, Spain, Switzerland, United Kingdom, United States of America, Yugoslavia.

38. BIRPI has contacted 75 developing countries (41 member States of the Paris Union and 34 non-member States) and invited them to present candidates for the 1969 technical assistance program.

39. Applications have been received from the following 28 countries: Bolivia, Brazil, Ceylon, Cuba, Cyprus, Ecuador, Ghana, Greece, India, Indonesia, Iran, Iraq, Jordan, Kenya, Korea, (Republic of), Liberia, Libya, Malawi, Pakistan, Philippines, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, United Arab Republic.



40. It should be recalled that, for budgetary reasons, it is impossible to accept all applications. Besides, among other considerations, the linguistic abilities of the candidates in relation to the offers received by BIRPI from the national Offices, as well as the conditions set by those Offices with regard to the fields in which training may be carried out (patents, trademarks, etc.), must be taken into account.

41. At the time of writing this report, the training program for 1969 has not yet been finalized.

#### Cooperation between the United Nations and BIRPI

42. BIRPI has continued and extended its cooperation with the United Nations and with the various subsidiary bodies of that organization.

43. United Nations Commission on International Trade Law (UNCITRAL) BIRPI was represented by observers at the second session of UNCITRAL held in Geneva from March 3 to 31, 1969. The Commission devoted most of its work to the subjects chosen for priority treatment, which do not include intellectual property, and, at the request of UNCTAD, added international legislation on shipping as a new priority subject. The Commission decided to proceed with the establishment of a register of texts of agreements and conventions relating to international trade law, but, at this stage, to limit the register to texts relating to the priority subjects.

44. International Law Commission.- At its twenty-first session, being held in Geneva at the time of writing this report, from June 2 to August 8, 1969, the Commission is continuing its examination of the question of the succession of States in respect of treaties; the working documents include studies of the relevant practices of the Unions administered by BIRPI.

45. United Nations Conference on the Law of Treaties.- An international Convention on the Law of Treaties was signed at the conclusion of the second session of this Conference, held in Vienna from April 9 to May 21, 1969. BIRPI was represented by observers. Article 4 of the new Convention makes it clear that the application of its provisions (which include rules relating to treaty obligations between States which are party to different Acts of the same Convention, and to majority voting at international conferences) to any treaty which is the constituent instrument of an international organization, or to any treaty adopted within an international organization, will be without prejudice to any relevant rules of the organization. In relation to the definition of "international organization" (Article 2, paragraph 1(i)), the Drafting Committee of the Conference reported to the Committee of the



Whole that: "In the light of communications from GATT and BIRPI concerning paragraph 1(i), the Committee had examined the question of the appropriate scope to be given to the term 'international organization,' which was the subject of the paragraph. The Committee had considered that the term covered agencies established at intergovernmental level either by agreements or by practice and which exercised international functions of some permanence. In the opinion of the Committee, the agreements or the practice establishing those institutions played the same role as the constituent instruments mentioned in Article 4."

46. Economic and Social Council.- At its forty-sixth session, held in New York from May 12 to June 6, 1969, the Council considered a Report of the Secretary-General upon "arrangements for the transfer of operative technology to developing countries" (E/4633), which included the following statement: "One of the organizations concerned, the United International Bureaux for the Protection of Intellectual Property (BIRPI), is outside the United Nations system. Means could be devised to associate it with the work of the ACC Administrative Committee on Coordination Sub-Committee on Science and Technology, and with the ACC itself, when the work of the Sub-Committee is discussed. Similarly, provision could be made for BIRPI's participation, in an advisory capacity, in the meetings of the Advisory Committee On the Application of Science and Technology to Development when questions within its purview are considered. This would involve some amendment of, or addition to, the Working Arrangement in force with that organization."

47. BIRPI was represented by an observer during the discussion of this Report by the Council, which decided to defer to its forty-seventh session the final decision regarding the future institutional arrangements within the United Nations system relating to the field of science and technology. The forty-seventh session of the Council will be held in Geneva from July 14 to August 8, 1969; its decision on this matter will be the subject of a supplementary report to the Interunion Coordination Committee.

48. Computer Users' Committee.- This subcommittee of the Administrative Committee on Coordination was established in 1968 with the object of ensuring cooperation between the organizations of the UN system in the use of computer equipment. The Committee and its working groups meet in Geneva at frequent intervals; since September, 1968, BIRPI has been represented by observers.



49. Advisory Committee on the Application of Science and Technology to Development.- The tenth and the eleventh sessions of the Advisory Committee were attended by a representative of BIRPI as observer. At the tenth session (Vienna, November 1968), a paper, prepared by BIRPI, providing information on current activities with particular reference to ICIREPAT and to the Plans for a Patent Cooperation Treaty and for the World Patent Index, was circulated among the conference documents. At its eleventh session (New York, March 31 to April 4, 1969), the Advisory Committee considered Resolution 2458 (XXIII) of the General Assembly, which called for a report upon "international cooperation with a view to the use of computers and computer techniques for development," and commented that "the problems related to the access, under appropriate conditions, to computer programmes applicable to the conditions and problems of the developing countries merit close attention in the Secretary-General's report. Within this context, the problems of patent and copyright protection for computer programmes developed in the industrialized countries, which may be applicable to the developing countries, are matters requiring appropriate consideration in the report."

50. Discussions are taking place between BIRPI and the UN Office for Science and Technology upon this aspect of the question of the use of computer techniques for development.

51. United Nations Conference on Trade and Development (UNCTAD).- At its third session held in Geneva from October 8 to 19, 1968, the Committee on Manufactures gave preliminary consideration to a draft outline of the study on restrictive business practices, with particular reference to the export interests of the developing countries, called for by a resolution of the Second Conference (New Delhi, February 1 to March 25, 1968). The background documentation included a paper, prepared by BIRPI at the request of the Secretary-General of UNCTAD, which described BIRPI's activities in this field and referred to the relevant provisions of the Model Laws for Developing Countries on Inventions and on Marks, Trade Names, and Acts of Unfair Competition. The Trade and Development Board, at its eighth session, held in Geneva from May 5 to 16, 1969, approved the outline of the proposed study.

52. United Nations Industrial Development Organization (UNIDO): Industrial Development Board.- BIRPI was represented by an observer at the third session of the Board, held in Vienna from April 24 to May 15, 1969, and at the meeting of the Board's Working Group on Programme and Coordination which met during the preceding two weeks. UNIDO's program of work for 1970 was approved; it includes the preparation and publication of comparative studies, on a regional basis, of industrial laws including those relating to industrial property; training of government officials in the organization and administration of patent offices, and the preparation of a feasibility study on the establishment of a technological bank to accelerate the flow of proprietary technology to developing



countries. In the Report of the Working Group, received by the Board, it was emphasized that the activities of UNIDO should be clearly coordinated with those of BIRPI and other international organizations active in this field.

53. At the secretariat level, active cooperation continues between UNIDO and BIRPI in the planning and preparation of an Expert Group Meeting on the Organization and Administration of Industrial Property Offices, to be jointly convened in Vienna in October 1969.

54. Economic Commission for Europe.- The Executive Secretary of the ECE asked BIRPI to assist in the preparation of two studies called for by resolutions of the Commission at its twenty-third session, held in May 1968. The first required an account of BIRPI's activities relevant to the promotion of technological cooperation (for the benefit not only of the countries of the Commission's region but also of those of other geographical regions), for consideration by a Meeting of Governmental Experts on Scientific and Technological Cooperation held in Geneva from January 20 to 24, 1969. It was noted in the Report of this meeting that, in relation to the promotion of the transfer of technology, "there was general agreement on the value of the activities conducted by BIRPI and on the desirability of the ECE lending its support and cooperation to that organization."

55. The second study related to practices followed for trade in patents and licenses, with a view to finding means to promote the development of such trade, for consideration by the Committee on the Development of Trade in October 1969.

56. Representatives of BIRPI also participated in meetings held in October, 1968, and April, 1969, of the Ad Hoc Working Party on Contract Practices in Engineering, appointed by the Industry and Materials Committee of the ECE, which prepared a "Guide for Use in Drawing up Contracts Relating to the International Transfer of Know-how in the Engineering Industry."

#### Council of Europe

57. BIRPI has participated in the work of the Committee of Experts on Patents of the Council of Europe. BIRPI representatives attended a meeting of the Committee of Experts held in Strasbourg from November 18 to 21, 1968, and a meeting of the Working Party of the Committee of Experts on Patents, held in Geneva, at the headquarters of BIRPI, on April 25, 1969.



58. The meeting of the Committee of Experts was concerned with the program of the Council for 1969, the International Patent Classification (see document CEP/V/9), the harmonization of patent laws, and fellowships for studies relating to industrial property.

59. The program provides for the continuation of the work being done in the field of the harmonization of patent laws and that of the International Patent Classification. The Committee of Experts noted that the questions concerning the protection of marks had been removed from its program by the Council of Ministers.

60. Under the heading of the harmonization of patent law, the Committee of Experts studied the texts drafted by its Working Party for the revision of the European Convention Relating to the Formalities Required for Patent Applications, and other proposals for harmonizing patent law. The Committee decided not to make any final decisions concerning the drafting of these texts, considering that the greatest possible care should be taken to harmonize them with the corresponding provisions of the Draft Patent Cooperation Treaty (PCT) and Regulations. The Committee agreed therefore to await the outcome of the work in progress on the PCT Drafts.

61. With regard to fellowships, the Committee of Experts approved Regulations for the granting each year of a limited number of those fellowships for studies relating to industrial property.

62. The Working Party of the Committee of Experts on Patents made a further study, at its meeting referred to above, of the proposals for revision of the Convention Relating to Formalities and other proposals for harmonizing patent law, in the light of the observations made during the last meeting of the Committee of Experts or submitted thereafter. The Working Party considered that, as regards formalities and, in particular, the unification of patent applications, the main problem was to bring the proposed provisions into line with the corresponding provisions of the Patent Cooperation Treaty and the Draft European Patent Convention. Consequently, the Working Party recommended postponing all further study of the texts it had drafted until the Draft Patent Cooperation Treaty and Regulations, as well as the Draft European Patent Convention, were known in their final form. As for the other proposals for harmonizing patent law, which are to be the subject of a protocol annexed to the 1963 Convention on the Unification of Certain Points of Substantive Law on Patents for Invention, the Working Party has also decided, for various reasons, to postpone consideration of the said proposals.



63. BIRPI has also been working, jointly with the Secretariat General of the Council of Europe, on the International Patent Classification. The Committee is requested to refer to document CEP/V/9, which deals with this matter.

#### Guide to the Application of the Paris Convention

+ 64. The Guide to the Application of the Paris Convention by the Director of BIRPI, whose usefulness was pointed out during the sixth session of the Interunion Coordination Committee in September 1968, has been completed. The Guide, which comments on each provision of the Paris Convention and which also contains the text of the Stockholm Act of the Convention and a list of member States, has been published in English. The Spanish and French versions are being published at the time of writing this report.

#### Publications

65. Apart from the publications mentioned above, the reviews, La Propriété industrielle and Industrial Property, continue to appear each month, and La Propiedad Intelectual is published every three months.



MADRID AGREEMENT

(INDICATIONS OF SOURCE)

Lisbon Act

66. Accession.- Italy deposited its instrument of accession on August 15, 1968. Its accession took effect on December 29, 1968.

Additional Act of Stockholm

67. Ratifications and Accessions.- On February 26, 1969, the United Kingdom of Great Britain and Northern Ireland deposited its instrument of ratification of the Additional Act of Stockholm of July 14, 1967, to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods.

68. Translations.- Translations in German and Italian of the Additional Act of Stockholm were established and published, after consultation with the interested Governments. These publications also contain translations in German and Italian, respectively, of the Lisbon Act of the Agreement.



MADRID UNION

(REGISTRATION OF MARKS)

Nice Act

69. Ratifications and Accessions.- Three of the member countries of the Madrid Union concerning the International Registration of Marks have not yet acceded to the Nice Act of 1957. The three countries are Austria, Morocco and Viet-Nam.

70. Article 3bis.- The Republic of San Marino has notified, in accordance with Article 3bis of the Nice Act, that the protection resulting from the international registration shall not extend to its territory unless the proprietor of the mark expressly requests it. The said notification will become effective as from August 14, 1969.

71. The number of countries notifying their intention to avail themselves of the possibility offered to them under Article 3bis is at present 11 (or 12, if a similar notification by the German Democratic Republic is taken into consideration). They are the following countries: 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), San Marino (August 14, 1969), Spain (December 15, 1966), Tunisia (August 28, 1967), United Arab Republic (March 1, 1967).

72. The dates indicated in parentheses are those on which the notifications took effect.

Stockholm Act

73. Signatures.- The number of countries which had signed the Stockholm Act (1967) of the Madrid Agreement before the time limit for signature expired on January 13, 1968, was 17. These countries are the following: Austria, Belgium, France, Germany (Federal Republic), Hungary, Italy, Liechtenstein, Luxembourg, Monaco, Morocco, Netherlands, Portugal, Rumania, Spain, Switzerland, Tunisia, Yugoslavia.

74. Ratifications and Accessions.- On February 28, 1969, the Socialist Republic of Rumania deposited its instrument of ratification. The number of ratifications and accessions on June 15, 1969, was two, if the declaration of accession deposited by the German Democratic Republic on June 20, 1968, is taken into consideration.



75. Official texts.- Official texts, in German and Italian, of the Stockholm Act were established and published, after consultation with the interested Governments.

#### Statistics

76. Registrations and renewals in 1968 totalled 12,737, including 176 registrations as the result of a partial transfer. (The total figure in 1967 had been 10,287.) For the period from January 1 to July 1, 1969, the total figure was 6,419.

#### Amounts Divided Out

77. The amount of 2,137,000 Swiss francs was divided out among the national Offices which apply the Nice Act. This amount relates to 12 months of operations (January 1 to December 31, 1968). It is made up of supplementary fees (137,600 francs) and complementary fees (1,999,400 francs). The former are payable when the registration applies to more than three classes of goods or services (Article 8(2)(b) of the Nice Act); the latter are payable when the applicants wish to have their marks protected in countries that must be specially designated (Articles 3bis, 3ter and 8(2)(c) of the Nice Act).

#### Publications

78. The review Les Marques internationales continued to appear each month. The presentation was modified as from the January 1969 issue to reduce the cost of printing.

#### Trademark Search Section

79. BIRPI continued to undertake searches for anticipation, in pursuance of Article 5ter(2) of the Madrid Agreement. This service, however, is showing a deficit.



THE HAGUE UNION

Complementary Act of Stockholm

80. Signatures.- The number of countries which had signed the Complementary Act of Stockholm (1967) to the Hague Agreement concerning the International Deposit of Industrial Designs before the time limit for signature expired on January 13, 1968, was 11. These countries are the following: Belgium, France, Germany (Federal Republic), Holy See, Liechtenstein, Monaco, Morocco, Netherlands, Spain, Switzerland, Tunisia.

81. Ratifications and Accessions.- No instrument has been deposited to date.

82. Official texts.- Official texts, in German and Italian, of the Complementary Act of Stockholm were established and published, after consultation with the interested Governments. These publications also contain translations in German and Italian, respectively, of the London Act (1934), the Hague Act (1960), and the Additional Act of Monaco (1961), of the Hague Agreement.

Statistics

83. In 1968, the number of international deposits totalled 2,359 (as against 2,244 in 1967). For the period from January 1 to July 1, 1969, the total number of deposits was 1,174.

Publications

84. The monthly periodical Les Dessins et Modèles internationaux continued to appear regularly.



NICE UNIONStockholm Act

85. Signatures.- The number of countries which had signed the Stockholm Act (1967) of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks before the time limit for signature expired on January 13, 1968, was 19. These countries are the following: Belgium, Denmark, France, Germany (Federal Republic), Hungary, Ireland, Israel, Italy, Monaco, Morocco, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, United Kingdom, Yugoslavia.

86. Ratifications and Accessions.- The United Kingdom of Great Britain and Northern Ireland deposited its instrument of ratification on February 26, 1969. The number of ratifications and accessions on June 15, 1969, was thus two, Ireland having deposited its instrument of ratification on March 27, 1968, or three if the declaration of accession deposited by the German Democratic Republic is taken into consideration.

87. Official texts.- Official texts, in German and Italian, of the Stockholm Act were established and published, after consultation with the interested Governments.

Publications

88. A trilingual edition (German, English, French) of the International Classification has been published in collaboration with the German Patent Office, the Austrian Patent Office and the Federal Bureau of Intellectual Property (Berne). -



LISBON UNION

Lisbon Act

89. Ratification.- Italy has ratified the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, of October 31, 1958. Its ratification took effect on December 29, 1968.

Stockholm Act

90. Signatures.- The number of countries which had signed the Stockholm Act (1967) of the Lisbon Agreement before the time limit for signature expired on January 13, 1968, was five. These countries are the following: Cuba, France, Hungary, Israel, Portugal.

91. Ratifications and Accessions.- No instrument has been deposited to date.

92. Official texts.- Official texts, in German and Italian, of the Stockholm Act were established and published, after consultation with the interested Governments.

Council

93. The Council set up by the Lisbon Agreement held its third session in Geneva on September 26 and 27, 1968. It approved the report of the Director of BIRPI concerning the activities of the Lisbon Union, the accounts for 1967, and the draft budget for 1969.

Statistics

94. In 1968, BIRPI registered 59 appellations of origin, whereof 58 originated in France and 1 in Hungary. For the period from January 1 to July 1, 1969, BIRPI registered 5 appellations of origin, of which 1 originated in France, 2 in Hungary and 2 in Italy.



Publications

95. In 1968, BIRPI published three issues of the new periodical Les Appellations d'origine, comprising 495 appellations of origin registered in 1967 and 1968, whereof 75 originated in Czechoslovakia, 401 in France, 18 in Cuba, and 1 in Hungary.



LOCARNO AGREEMENT  
(INTERNATIONAL CLASSIFICATION  
FOR INDUSTRIAL DESIGNS)

Locarno Conference

96. The Conference convened for the purpose of establishing an international classification for industrial designs was held at Locarno from October 2 to 8, 1968, and concluded with the signing of a new Agreement establishing an International Classification for Industrial Designs. The countries party to the Agreement, which will enter into force three months after the deposit of the fifth instrument of ratification or accession, will constitute a new Special Union within the framework of the Paris Union.

Signatures

97. The Locarno Agreement was signed at the close of the Conference by the following 22 countries: Algeria, Austria, Belgium, Czechoslovakia, Denmark, Finland, Germany (Federal Republic), Holy See, Hungary, Iran, Italy, Kenya, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Portugal, Spain, Switzerland, United States of America, Yugoslavia.

98. After the close of the Conference, it was signed by France on March 12, 1969, the Union of Soviet Socialist Republics on May 28, 1969, and Sweden on June 2, 1969. The time limit for signature expired on June 30, 1969.



BERNE UNION  
AND COPYRIGHT IN GENERAL

Brussels Act

99. One State, Australia, acceded to the Brussels Act of the Berne Convention for the Protection of Literary and Artistic Works, with effect from June 1, 1969. Its accession was subject to a reservation relating to Article 11, similar to the reservation made by the United Kingdom when it acceded to that Act in 1957.

Stockholm Act

100. Signatures. - The number of countries which had signed the Stockholm Act (1967) before the time limit for signature had expired on January 13, 1968, was 39. These countries were the following: Austria, Belgium, Bulgaria,\*) Cameroon, Congo (Kinshasa), Denmark, Finland, France, Gabon, Germany (Federal Republic), Greece, Holy See, Hungary, Iceland, India, Ireland, Israel, Italy, Ivory Coast, Japan, Liechtenstein, Luxembourg, Madagascar, Mexico, Monaco, Morocco, Niger, Norway, Philippines, Poland,\*) Portugal, Rumania,\*) Senegal, South Africa, Spain, Sweden, Switzerland, Tunisia, Yugoslavia.

101. Ratifications and Accessions. - The United Kingdom of Great Britain and Northern Ireland deposited an instrument of accession on February 26, 1969, and Spain deposited its instrument of ratification on June 6, 1969. In both cases, accession and ratification respectively are not applicable to Articles 1 to 21 of the Stockholm Act of the Berne Convention or to the Protocol Regarding Developing Countries. Consequently, on June 15, 1969, the number of ratifications and accessions was four, if the declaration of accession deposited by the German Democratic Republic on June 20, 1968, is taken into consideration.

\*) These countries signed the Stockholm Act subject to the reservation provided for in Article 33(2).



That accession and the ratification of Senegal relate to the whole of the Stockholm Act; the others (Spain and the United Kingdom) are limited as indicated above. Furthermore, it should be recalled that in January 1968 Bulgaria deposited a declaration of application of the Protocol and in March 1968 Ireland deposited a declaration relating to the application of the transitional clauses of the Stockholm Act.

102. Official texts.- Official texts, in German and Italian, of the Stockholm Act of the Berne Convention were established and published, after consultation with the interested Governments. The publication of the official text in Spanish is in progress.

Permanent Committee: Extraordinary Session, February 1969

103. At the request of the Director of BIRPI, the Permanent Committee met in extraordinary session at Paris from February 3 to 7, 1969, jointly with the Intergovernmental Copyright Committee. The main purpose of the session was to formulate the advice to be given to the Intergovernmental Copyright Committee on the revision of Article XVII of the Universal Copyright Convention and the Appendix Declaration relating thereto.

104. The question of the definition of "developing countries" has been kept on the Permanent Committee's agenda for consideration at its next ordinary session. The Permanent Committee was informed of the intention of the Director of BIRPI to prepare models of legislative texts showing how the Protocol Regarding Developing Countries could be applied so as to satisfy the various interests involved.

105. By virtue of a resolution adopted by the Permanent Committee and the Intergovernmental Copyright Committee, an International Copyright Joint Study Group, consisting of the representatives of 26 States, was set up. The first session of the Joint Study Group will be held from September 29 to October 3, 1969, in Washington. To prepare the documentation for this Study Group, BIRPI has undertaken two surveys, one addressed to the member States and the other carried out in collaboration with the interested international non-governmental organizations, with a view to discovering the importance of copyright royalties in the economies of different States, particularly the developing countries.

106. The International Copyright Joint Study Group will report on the results of its first session and on the proposals regarding its further work to the Permanent Committee at its ordinary session in December 1969.



107. By virtue of the said resolution, BIRPI, jointly with Unesco, convened a meeting of the interested international non-governmental organizations, to be held on August 29, 1969, in order to appoint representatives of those organizations to attend as observers the session of the Joint Study Group in Washington.

Permanent Committee: Extraordinary Session, June 1969

108. At the request of the Director of BIRPI, the Permanent Committee met in extraordinary session at Geneva on June 20 and 21, 1969. The purpose of the session was to assist the Director of BIRPI in formulating the advice he would be called upon to give on the issues included in the mandate of the sub-committee of the Intergovernmental Copyright Committee which met in Paris from June 23 to 27, 1969, within the framework of the preparations for revision of the Universal Copyright Convention.

109. After hearing the opinion of the Permanent Committee, the Director of BIRPI expressed the view that suspension of the Berne Union safeguard clause (Article XVII of the Universal Copyright Convention and the Appendix Declaration relating thereto), without the establishment of replacement links, would be extremely dangerous for the future of international copyright relations. He proposed that, if the safeguard clause must be revised, the two Conventions should be revised simultaneously: the Berne Convention, in order to separate the Stockholm Protocol from it and make some of the latter's provisions more precise; the Universal Convention, in order to introduce some minimum rights with exceptions identical to those which would be admitted under the revised Protocol. The two concurrent revision conferences could take place in 1970, or at the latest in 1971.

Working Group on Copyright Problems of Satellite Communications

110. The Director of BIRPI convened a Working Group from October 14 to 16, 1968, in Geneva, for the purpose of conducting an exchange of views on the copyright and neighboring rights problems arising from the transmission of radio and television broadcasts via communications satellites. The report adopted at the close of the deliberations was published. BIRPI is considering continuing its studies on this matter.

Symposium on Practical Aspects of Copyright

111. With the cooperation of the International Confederation of Societies of Authors and Composers (CISAC), BIRPI organized a Symposium on practical aspects of copyright in Geneva from



November 25 to 29, 1968, within the framework of the legal-technical assistance offered to developing countries. The purpose of the Symposium was to provide participants with information on practical aspects of copyright protection. After the Symposium, participants from developing countries carried out training programs with some of the European authors' societies.

African Committee of Experts to Draft Model Statutes  
for Societies of Authors

112. BIRPI, jointly with Unesco, convened an African Committee of Experts at Abidjan (Ivory Coast) from June 9 to 12, 1969, for the purpose of drafting model statutes for societies of authors in African countries. The draft and the report on the meeting are being published at the time of writing.

Publications

113. The reviews Le Droit d'Auteur and Copyright continued to appear each month.

114. With regard to the quarterly review La Propiedad Intelectual, see paragraph 65 above.



ROME CONVENTION

(FOR THE PROTECTION OF NEIGHBORING RIGHTS)

Ratifications and Accessions

115. No instrument has been deposited during the period covered by this report. The number of Contracting States is still ten: Brazil, Congo (Brazzaville), Czechoslovakia, Denmark, Ecuador, Germany (Federal Republic), Mexico, Niger, Sweden, United Kingdom.

Intergovernmental Committee

116. The Intergovernmental Committee established by the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations will hold its second ordinary session at Paris in December 1969, if the majority of its members so desire. The consultation undertaken in this connection by the Director of BIRPI, jointly with the Director-General of the International Labour Office and the Director-General of Unesco, is still in progress at the time of writing.



WORLD INTELLECTUAL PROPERTY ORGANIZATION(WIPO)Convention Establishing the Organization

117. Signatures.— The number of countries which had signed the Convention Establishing the World Intellectual Property Organization (WIPO), adopted on July 14, 1967, at Stockholm, before the time limit for signature had expired on January 13, 1968, was 51. These countries are the following: Algeria, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Congo (Kinshasa), Denmark, Ecuador, Finland, France, Gabon, Germany (Federal Republic), Greece, Holy See, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Liechtenstein, Luxembourg, Madagascar, Mexico, Monaco, Morocco, Niger, Norway, Netherlands, Peru, Philippines, Poland, Portugal, Rumania, Senegal, South Africa, Spain, Sweden, Switzerland, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

118. Ratifications and Accessions.— Instruments of ratification were deposited by the following countries: Senegal (September 19, 1968), Union of Soviet Socialist Republics (December 4, 1968), Ukrainian Soviet Socialist Republic (February 12, 1969), United Kingdom of Great Britain and Northern Ireland (February 26, 1969), Rumania (February 28, 1969), Byelorussian Soviet Socialist Republic (March 19, 1969), Spain (June 6, 1969).

119. It should be recalled that Ireland signed the WIPO Convention, without reservation as to ratification, on January 12, 1968, that the German Democratic Republic deposited an instrument of accession whose validity is contested by several States members of the Paris and Berne Unions, on June 20, 1968, and that the Republic of Cuba gave a notification concerning the application of the transitional provisions, on January 15, 1968.

120. According to Article 15 of the WIPO Convention, the said Convention will enter into force three months after ten States members of the Paris Union and seven States members of the Berne Union have taken action as provided in Article 14(1) (signature without reservation as to ratification, or signature subject to ratification followed by deposit of an instrument of ratification, or deposit of an instrument of accession), it being understood that, if a State is a member of both Unions, it will be counted in both groups.



121. Official texts.- Official texts of the WIPO Convention have been published in German and Italian. The official text in Portuguese will be published as soon as the consultations with the interested Governments have been concluded.

122. The Committee is invited to express its views on this report.

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