

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

# BIRPI

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

## UNION DE PARIS: COMITÉ EXÉCUTIF, QUATRIÈME SESSION PARIS UNION: EXECUTIVE COMMITTEE, FOURTH SESSION

(Genève, 24-27 septembre 1968)  
(Geneva, September 24 to 27, 1968)

### INTERNATIONAL CLASSIFICATION OF PATENTS FOR INVENTION

#### Report of the Director of BIRPI

1. A document submitted to the second session of the Conference of Representatives of the Paris Union (document CR/II/9 of November 28, 1967) reported on the initiative taken by the Committee of Experts on Patents of the Council of Europe as regards the future of the International Classification of Patents for Invention.
2. On December 21, 1967, the Conference of Representatives of the Paris Union decided that the Director of BIRPI should enter into negotiations with the Council of Europe for the purpose mentioned in document CR/II/9 and that he should report to the 1968 session of the Executive Committee (document CR/II/15, paragraph 23). It is recalled that the purpose referred to is to seek ways which would permit all countries of the Paris Union which so desire--and not only those which are members of the Council of Europe--to participate on an equal footing in the development of the International Classification of Patents for Invention.
3. The negotiations led to the provisional results appearing in the appendix to document EXP/Brev.(68)3, dated July 10, 1968, of the Secretariat of the Council of Europe, a copy of which document is attached to this report. These results are considered provisional, for they have not yet been approved by the competent organs of the Council of Europe. They will be submitted to those organs in autumn 1968.

4. The Director of BIRPI is communicating this document to the Executive Committee of the Paris Union for purposes of information and with the request that the Committee indicate to him whether--in the event that the competent organs of the Council of Europe approve the proposals incorporated therein, or approve them with only minor adjustments--BIRPI should follow the route outlined in that document. It would be understood that, should the competent organs of the Council of Europe decide to make substantial changes in the plan in question, the Director of BIRPI would submit such new plan to one of the future sessions of the Executive Committee.

5. The Executive Committee is invited to make a decision on the matter dealt with in this document.

A P P E N D I XConclusions reached in the conversations  
between the Secretariat of the Council of  
Europe and BIRPI

1. There are two aims:

- (i) to give the Classification Convention a more universal character in order to facilitate its worldwide adoption;
- (ii) to give all Contracting Parties an equal status.

To this end the Convention should be revised by a diplomatic conference to be convened in Strasbourg, jointly by the Council of Europe and BIRPI after a decision has been taken by the executive authorities of the two organisations.

2. Proposals for revision would be prepared by the two organisations and should, at all events, comply with the following three conditions:

- (a) They should ensure that the International Classification continues to be properly applied.
- (b) They should not impair the classification system as worked out over fifteen years, i.e. the basic structure of the classification should not be altered (although, of course, the system must be constantly perfected).
- (c) They should ensure that the new convention will lead to the geographical broadening of the Convention's scope, i.e. it must not come into force until it has been ratified by a certain number of States which are not Contracting Parties to the present Convention.

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3. Pending the entry into force of the new convention, a new ad hoc committee with a joint membership, i.e. comprising experts from five member States of the Council of Europe and experts from five States which are Members of BIRPI, but not of the Council, should be set up to replace the Classification Sub-Committee established within the framework of the Council of Europe. This new committee might be named:

"Joint ad hoc Committee of the Council of Europe and BIRPI on the International Classification of Patents".

4. The five Council of Europe countries will be: France, Federal Republic of Germany, Netherlands, Switzerland, United Kingdom (the five countries designated by the Committee of Experts to form the Classification Sub-Committee). The other five countries would be designated by BIRPI; they should preferably include the USA, the USSR and Japan.

All the experts would have equal status.

The International Patent Institute of The Hague would be invited to send an observer.

5. The travel and subsistence of the experts from Council of Europe member States would be charged to the Council budget.

6. The meetings of the Joint ad hoc Committee would be held in Europe at the Patent Offices.

7. The terms of reference of the Joint ad hoc Committee would be those already laid down by the Committee of Experts for the above-mentioned Sub-Committee at the November meeting [See doc. EXP/Brev. (67) 177].

8. Pending the entry into force of the new Convention on International Classification referred to in paragraphs 1 and 2, above, the Joint ad hoc Committee will submit its proposals to the Committee of Experts on Patents in accordance with Article 2 of the present Convention; it will also make proposals to BIRPI.

9. The Secretariat General of the Council of Europe and the Secretariat of BIRPI will supply the technical and administrative secretariat of the Joint ad hoc Committee; the Committee papers will be prepared by the two secretariats and letters enclosing these documents or convening the Committee will be

signed by representatives of the two secretariats. The letter-head on such documents and letters will be "International Classification of Patents for Invention - Council of Europe/BIRPI Joint ad hoc Committee".

10. Pending the entry into force of the new convention, any other work relating to the International Classification will be carried out on the sole responsibility of the Secretariat General of the Council of Europe and all other correspondence will be signed by the Secretariat General alone.

11. The Council of Europe will provide translation and interpretation to and from English and French; translation and interpretation in other languages will have to be arranged by BIRPI.

12. If the new Joint ad hoc Committee can be convened at the beginning of 1969, then the Classification Sub-Committee of the Council of Europe will not be set up.

13. The Joint ad hoc Committee and its secretariat will cease to exist when the new convention comes into force and will be replaced by such bodies as are prescribed in the new convention.