

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

BIRPI

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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)

DRAFT REPORT

Composition and Opening of the Session

1. The Fourth Ordinary Session of the Executive Committee of the Conference of Representatives of the International (Paris) Union for the Protection of Industrial Property (hereinafter designated as "the Committee") was held at Geneva from September 24 to 27, 1968.
2. Eighteen of the 20 members of the Committee were represented: Argentina, Australia, Austria, France, Germany (Federal Republic), Hungary, Iran, Japan, Kenya, Mexico, Netherlands, Poland, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America. The two members not represented were Cameroon and Morocco.

3. The following 12 States were represented by observers:
Algeria, Belgium, Brazil, Canada, Cuba, Czechoslovakia,
Denmark, Holy See, Israel, Italy, Portugal, Rumania.

4. The United Nations was represented by an observer. As to
the International Patent Institute, see paragraph 10, below.

5. The list of participants is attached to the present
Report.

6. The session was opened by the Chairman of the last
session, Mr. Yuri Maksarev (Soviet Union).

Adoption of the Agenda

7. The Committee unanimously adopted the agenda of the
session, as contained in document CEP/IV/15.

Election of the New Officers

8. The following officers were unanimously elected:
Mr. Gordon Grant, C.B. (United Kingdom), as Chairman;
Mr. Yuri Maksarev (Soviet Union) and Mr. Antonio F.
Mazarambroz (Spain), as Vice-Chairmen.

9. Dr. Arpad Bogsch, Deputy Director, BIRPI, acted as
Secretary of the Committee.

Admission of an Observer

10. The Committee unanimously decided to admit the International Patent Institute as observer for the discussion of such items of the agenda as were of interest to that Institute.

Activities of BIRPI since the Last Ordinary Session
(December 1967) of the Committee

11. The Committee considered documents CEP/IV/3 and 14, and those passages of documents CCIU/VI/3, 9, and 13, which were of interest to the Paris Union.

12. The Director of BIRPI announced that Senegal had deposited its instrument of ratification of the Stockholm Act of the Paris Convention and that he had been informed by the Soviet Delegation that ratification of the same Act had been decided by the competent authorities of the Soviet Union and the corresponding instrument would be deposited in the next few days.

13. The Representative of the United States expressed his satisfaction at the good progress which the BIRPI Plan for a Patent Cooperation Treaty (PCT) had made in the last months and complimented the participating countries on the fine spirit of cooperation which prevailed in all the PCT meetings. The

United States hoped that a signed treaty would soon emerge as the result of the efforts of the member States and the Secretariat. The United States was considering the possibility of offering to be the host of the negotiating conference. A final decision in this respect, however, could be made only in the course of 1969.

14. On the request of the Representative of Argentina, Resolution 1361(XLV) of ECOSOC was reproduced as an annex to the report dealing with BIRPI's activities (see document CCIU/VI/13, Add.1).

15. The reports referred to in paragraph 11 were noted with approval by the Committee.

ICIREPAT

16. The Committee considered the proposed Organizational Rules of the new ICIREPAT on the basis of documents CEP/IV/4, 5, and 11.

17. It unanimously decided to make certain changes, the draft of which is reflected in document CEP/IV/16. (N.B.: The final text of the ICIREPAT Rules will be attached to the final text of this Report.) In addition to the changes in question, the Committee noted further that:

(a) the Representative of Austria proposed that the recommendation concerning contributions be circularized to the interested States through the intermediary of the Supervisory Authority; no decision, however, was taken on this suggestion in the present session;

(b) the ABCS should, when its Rules of Procedure are drawn up, receive the widest autonomy possible and the role of BIRPI should be limited to the indispensable tasks of information;

(c) the Representatives of Austria and France would have preferred a system in which some contractual obligation--rather than voluntary pledges--would have been the legal basis for contributions; it was, however, recognized that in the present situation no such solution was possible but the matter would be kept under advisement for possible future proposals;

(d) the Representative of Israel remarked that the Rules did not provide that the participating countries of ICIREPAT should have access, on demand, to all material produced by ICIREPAT or exchanged under its auspices, and suggested that the matter be studied; in view of the great number and diversity of such documents, it was decided that the question should be studied and, if possible, resolved in the Rules of Procedure of ICIREPAT and its various working groups;

(e) there would be due preparation of the proposed program so that the pledges may be related to them.

18. When Article 16 was discussed, the Secretariat called the attention of the members of the Committee to the December 31, 1968, deadline and the conditions specified in that Article.

Program and Budget of the Paris Union for 1969

19. Ordinary Budget. The Committee considered documents CEP/IV/6 and those portions of documents CCIU/VI/6 and 10 which concern the Paris Union.

20. The Director of BIRPI introduced the said documents.

21. The Representative of the United States stressed the need for economy and the avoidance of all unnecessary expense.

22. In connection with the proposed study of a "priority fee" system (see document CCIU/VI/6, paragraph 16), the Representative of Germany (Fed. Rep.) said he would prefer that the study be postponed until a year later than 1969. In view of the decision made at the Stockholm Conference, 1967, the Committee nevertheless decided to maintain the proposed study on the 1969 program, it being understood that such a decision did not commit any member of the Committee on the question whether the system was desirable or not.

23. The Committee unanimously expressed a favorable opinion on the contents of the documents referred to in paragraph 19.

24. Voluntary Contributions to the PCT Program. The Committee considered document CEP/IV/7.

25. As to 1968, the Committee noted that contributions in cash had already been paid by Canada (\$3,000), Germany (Federal Republic)(\$7,000), Switzerland (\$2,315), and the United Kingdom (\$5,000), and had been made in the form of services by the United States (approximate value \$8,000) (see document CEP/IV/7, paragraphs 5 and 6). Furthermore, the Committee noted the following declarations:

(a) Italy is seeking authority to contribute (amount suggested by BIRPI: \$3,000),

(b) France will not be able to contribute,

(c) Japan is seeking authority to contribute the suggested amount (\$7,000),

(d) the Netherlands will probably contribute a sum whose amount is under consideration,

(e) Poland will notify BIRPI before the end of 1968 of the amount which it will contribute,

(f) the Soviet Union will contribute the services of a specialist for 3 months in Geneva,

(g) Sweden will, in all probability, contribute a sum whose amount is under consideration.

26. As to 1969, the Committee noted the following declarations:

(a) Canada will contribute \$1,500,

(b) Italy is seeking authority to contribute (amount suggested by BIRPI: \$6,000),

(c) France is seeking authority to contribute (amount suggested by BIRPI: \$10,000),

(d) Germany (Federal Republic) will, in all probability, contribute the suggested amount (\$14,000),

(e) Japan is seeking authority to contribute the suggested amount (\$14,000),

(f) the Netherlands will probably contribute a sum whose amount is under consideration,

(g) Poland will notify BIRPI before the end of 1968 of the amount which it will contribute,

(h) the Soviet Union is seeking authority to contribute \$7,000,

(i) Sweden will, in all probability, contribute a sum whose amount is under consideration,

(j) Switzerland will, in all probability, contribute 10,000 Swiss francs (approx. \$2,315),

(k) the United Kingdom will contribute the suggested amount (\$10,000),

(l) the United States will contribute cash and/or services to a value not yet specified (amount suggested by BIRPI: \$20,000).

27. The Representative of Australia said that no firm undertaking could be given but it was proposed to seek the necessary approval for making a contribution, possibly of the order of 10,000 Swiss francs, and Australia would soon notify BIRPI regarding contributions for 1968 and 1969.

28. The Representative of Austria said that participation in the PCT program should be voluntary but that once a country decided to participate it should be obliged to pay special contributions. He also said that the same principle should apply in the case of ICIREPAT.

29. As to 1970, and the years beyond, the Committee noted in particular paragraph 19(a) of document CEP/IV/7, on the understanding that no country had committed itself, in the present

session, to any contribution. It was understood that BIRPI would, possibly with the advice of the "PCT Financement Working Group" (see paragraph 30, below), suggest amounts before the next session of the Committee.

30. The Committee decided to set up a "PCT Financement Working Group" to study, with the Director of BIRPI, the financial repercussions of the "lead period" of the PCT (see document CEP/IV/7, paragraph 19(b)). The following eight countries volunteered to serve on this Working Group: Germany (Federal Republic), Japan (subject to confirmation), Netherlands, Soviet Union, Sweden (will seek authority to speak also in the name of the other Nordic countries), Switzerland, United Kingdom, United States of America. The Committee agreed to this composition of the Working Group.

31. The Secretariat reported, and the Committee noted with approval, that BIRPI intends to conclude one or more contracts with the US Patent Office to study certain questions concerning the expected effects of the PCT, studies whose results would also be of general interest.

32. Voluntary Contributions to the Work of Assessing the ICIREPAT Program, in particular the so-called shared systems program. This question was considered by the Committee on the basis of document CEP/IV/8.

33. As to the voluntary contributions suggested in that document, the Committee heard the following declarations (in the order in which the countries are listed in the document):

(a) Germany (Federal Republic) will contribute 15,000 Swiss francs,

(b) Japan is seeking authority to contribute 8,500 Swiss francs,

(c) the Netherlands will contribute 8,500 Swiss francs in any case and, should the situation described in paragraph 4 of document CEP/IV/8 arise, up to a total of 17,000 Swiss francs,

(d) the Soviet Union will pay 14,000 Swiss francs,

(e) Sweden is reasonably sure that it will pay 8,500 Swiss francs in any case and, should the situation described in paragraph 4 of document CEP/IV/8 arise, up to a total of 17,000 Swiss francs,

(f) the United Kingdom will contribute 15,000 Swiss francs,

(g) the United States is not in a position to pledge a cash contribution at the present time,

(h) Australia considers it unlikely that the authorization which it is seeking to contribute an amount between 1,000 and 2,000 Swiss francs would be refused,

(i) Austria made no declaration,

(j) Canada will contribute 2,000 Swiss francs,

(k) Czechoslovakia is studying the possibilities,

(l) Denmark was not present,

(m) Finland was not present,

(n) France will seek authority to contribute 1,000 Swiss francs in any case and, should the situation described in paragraph 4 of document CEP/IV/8 arise, up to a total of 2,000 Swiss francs,

(o) Hungary is studying the possibilities,

(p) Ireland was not present,

(q) Israel will contribute 1,500 Swiss francs,

(r) Mexico was not present,

(s) New Zealand was not present,

(t) Norway was not present,

(u) the Philippines was not present.

34. The Representative of Japan proposed that, in future, suggestions for cash contributions should be expressed in single figures rather than a range of amounts.

Matters concerning the Protection of Type Faces

35. The Committee considered document CEP/IV/9.

36. After a thorough discussion during which the Representative of the Federal Republic of Germany said that his country's interest in the conclusion of a special agreement depended to a large extent on the number of prospective adherents to the agreement, and the Representatives of the Netherlands and the United Kingdom expressed a strong interest in the conclusion of a special agreement, while the Representative of Austria declared that his Government would be willing to include the conclusion of a special agreement on the protection of type faces in the agenda of the Vienna Conference (tentatively scheduled for 1972), the Committee expressed the view that the conclusion of the said agreement should be placed on the agenda of the said Conference but, at the same time, invited the Director of BIRPI to try actively to find a Government willing to be host of a special conference for the adoption of such an agreement. The Director said that he would do his best in the desired sense.

37. The Representative of the United Kingdom said that the Vienna Conference appeared to be too far away in time and that, unless a special conference were to be convened under the sponsorship of BIRPI in the near future, his Government might prefer to propose to the Council of Europe that it sponsor a special conference.

International Patent Classification

38. The Committee considered document CEP/IV/10.

39. The Committee noted with appreciation the intention of the Council of Europe's General Secretariat as outlined in the document under consideration.

40. The Representatives of Japan, the Soviet Union, and the United States, expressed strong interest in the International Patent Classification in general, and the proposed revision of the Convention relating to it in particular. They declared their willingness to serve on the proposed Joint Ad Hoc Committee of the Council of Europe and BIRPI on the International Classification of Patents (see Council of Europe document EXP/Brev.(68)3 (Appendix), paragraphs 3 and 4, annexed to document CEP/IV/10).

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41. The Committee unanimously expressed the view that BIRPI should proceed as outlined in the documents referred to above.

World Patent Index

42. The Committee considered document CEP/IV/13.

43. The Committee unanimously decided to set up an "Ad Hoc Subcommittee on Contracting for the World Patent Index" and delegated to it the task of examining and approving any contract between BIRPI and any private enterprise with which BIRPI would enter into contractual relationship for the establishment and operation of a service tentatively called World Patent Index.

44. The Representatives of the following four countries having volunteered to serve on the ad hoc Subcommittee, the said Subcommittee will consist, according to the unanimous decision of the Committee, of Germany (Federal Republic), the Soviet Union, Switzerland, and the United States of America.

45. The Representative of Germany (Federal Republic) asked that negotiations be speeded up and that, if they were not concluded within a reasonable period of time, this fact should



be communicated by BIRPI to the ad hoc Subcommittee which, then, should look into the possibilities of other solutions, including, if necessary, the conclusion of a special agreement on the subject among interested Governments.

Agreement with the International Patent Institute

46. The Committee considered document CEP/IV/12 and its annex containing the text of a draft agreement between BIRPI and the International Patent Institute.

47. After having heard the Director of BIRPI and the Director General of the International Patent Institute and taken note of the interventions of several Representatives, the Committee unanimously approved the draft agreement referred to above.

Next Session of the Committee

48. The Committee noted that its next ordinary session was tentatively scheduled for the week starting on September 22, 1969.

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Executive Committee of the Paris Union

LIST OF PARTICIPANTS

STATES MEMBERS OF THE COMMITTEE

ARGENTINA

Mr. L.M. LAURELLI
Secretary of Embassy
Permanent Delegation of Argentina
Geneva

AUSTRALIA

Miss J. H. BARNETT
First Secretary
Permanent Mission of Australia
Geneva

AUSTRIA

Mr. T. LORENZ
Counsellor
Federal Ministry of Commerce and Industry
Vienna

FRANCE

Mr. F. SAVIGNON
Director
National Institute of Industrial Property
Paris

Mr. R. LABRY
Counsellor of Embassy
Ministry of Foreign Affairs
Paris

Mr. A. KEREVER
Maître des requêtes
Council of State
Ministry of State for Cultural Affairs
Paris

GERMANY (FEDERAL REPUBLIC)

- Mr. A. KRIEGER
Ministerialrat
Federal Ministry of Justice
Bonn
- Mr. R. SINGER
Leitender Regierungsdirektor
German Patent Office
Munich
- Mrs. E. STEUP
Regierungsdirektorin
Federal Ministry of Justice
Bonn
- Mr. P. SCHÖNFELD
First Secretary
Permanent Delegation of the Federal Republic of Germany
Geneva

HUNGARY

- Mr. A. KISS
Vice-Chairman
National Office for Inventions
Budapest
- Mr. J. BOBROVSZKY
Legal Advisor
National Office for Inventions
Budapest

IRAN

- Mr. M. NARAGHI
Head of Department of Registration of Companies
and Industrial Property
Teheran

JAPAN

Mr. T. SAKAI
First Secretary
Delegation of Japan
Geneva

Mr. T. SUZUKI
Counsellor
Delegation of Japan
Geneva

KENYA

Mr. D.J. COWARD, C.M.G.
Registrar-General
State Law Office
Nairobi

MEXICO

Mr. H. CARDENAS
Second Secretary
Permanent Delegation of Mexico
Geneva

NETHERLANDS

Mr. J.B. VAN BENTHEM
President of the Patent Board
The Hague

Mr. W.M.J.C. PHAF
Head of the Division of Legislation and Legal Affairs
Ministry of Economic Affairs
The Hague

Mr. H.J.A.M. VROUWENVELDER
Head of the Accounts Division
Ministry of Economic Affairs
The Hague

POLAND

- Mr. J. CIESIELSKI
Director
National Patent Office
Warsaw
- Mr. M. ZOLEDOWSKI
Head of Section
National Patent Office
Warsaw
- Mr. J. DALEWSKI
Head of the Legal Section
National Patent Office
Warsaw

SPAIN

- Mr. A.F. MAZARAMBROZ
Director
Industrial Property Registration Office
Madrid
- Mr. F. UTRAY
Deputy Permanent Delegate
Permanent Delegation of Spain
Geneva
- Mrs. I. FONSECA-RUIZ
Technical Secretary
General Directorate of Archives and Libraries
Madrid

SWEDEN

- Mr. G. BORGGÅRD
Director-General
National Patent and Registration Office
Stockholm
- Mr. C.A. UGGLA
Legal Advisor
National Patent and Registration Office
Stockholm

SWITZERLAND

- Mr. J. HUMBERT
Ambassador
Permanent Mission of Switzerland
Geneva
- Mr. J. VOYAME
Director
Federal Bureau of Intellectual Property
Berne
- Mr. W. STAMM
Head of Section
Federal Bureau of Intellectual Property
Berne
- Mr. A. COIGNY
Diplomatic Assistant
Federal Political Department
Berne
- Mr. P. RUEDIN
Consular Assistant
Federal Political Department
Berne

UNION OF SOVIET SOCIALIST REPUBLICS

- Mr. Y.E. MAKSAREV
Chairman
Committee for Inventions and Discoveries
Attached to the Council of Ministers of the USSR
Moscow
- Mr. V.I. ILJIN
Assistant Head
External Relations Division
Committee for Inventions and Discoveries
Attached to the Council of Ministers of the USSR
Moscow
- Mr. Y.A. GYRDYMOV
Committee for Inventions and Discoveries
Attached to the Council of Ministers of the USSR
Moscow

UNITED KINGDOM

Mr. G. GRANT, C.B.
Comptroller-General
Patent Office
London

Mr. I.J.G. DAVIS
Principal Examiner
Patent Office
London

UNITED STATES OF AMERICA

Mr. E.J. BRENNER
Commissioner of Patents
Washington, D.C.

Mr. H.J. WINTER
Assistant Chief
Business Practices Division
Department of State
Washington, D.C.

Mr. G.D. O'BRIEN
Assistant Commissioner of Patents
Washington, D.C.

OBSERVERS

I. STATES

ALGERIA

Mr. S. BOUZIDI
Head of Division
National Industrial Property Office
Algiers

Mr. A. ABDELOUAHAB
Head of Service
National Industrial Property Office
Algiers

Observers (continued)

BELGIUM

Mr. G.-L. DE SAN
Director-General and Legal Counsellor
Ministry of National Education and Culture
Brussels

Mr. P. PEETERMANS
Secretary of Administration
Service of Industrial and Commercial Property
Ministry of Economic Affairs
Brussels

BRAZIL

Mr. J.C. RIBEIRO
Second Secretary
Permanent Delegation of Brazil
Geneva

CANADA

Mr. F.W. SIMONS
Assistant Commissioner of Patents
Patent Office
Ottawa

Mr. J. CORBEIL
Second Secretary
Permanent Mission of Canada
Geneva

CUBA

Mr. M. GARCIA INCHÁUSTEGUI
Ambassador
Permanent Mission of Cuba
Geneva

Mr. F. ORTIZ RODRIGUEZ
First Secretary
Permanent Mission of Cuba
Geneva

Observers (continued)

CZECHOSLOVAKIA

Mr. M. VŠETEČKA
Head of the Legal and International Department
Patents and Inventions Office
Prague

DENMARK

Mr. T. LUND
Professor at the University of Aarhus
Risskov

HOLY SEE

Rev. Father H.-M. DE RIEDMATTEN
Permanent Observer of the Holy See to the International
Organizations at Geneva
Geneva

ISRAEL

Mr. Z. SHER
Registrar of Patents, Designs and Trade Marks
Patent Office
Jerusalem

ITALY

Mr. M. ANGEL-PULSINELLI
Inspector General
Ministry of Industry
Rome

Mr. G. TROTTA
Legal Advisor
Ministry of Foreign Affairs
Rome

Mr. G. GALTIERI
Head
Literary, Artistic and Scientific Property Office
Presidency of the Council of Ministers
Rome

Observers (continued)

ITALY (Ctd.)

Mr. V. de SANCTIS
Attorney-at-Law
Legal Advisor
Italian Society of Authors and Publishers
Rome

PORTUGAL

Mr. F. de ALCAMBAR-PEREIRA
Permanent Representative of Portugal to
the United Nations
Permanent Mission of Portugal
Geneva

Mr. L. PAZOS ALONSO
Secretary of Embassy
Permanent Mission of Portugal
Geneva

RUMANIA

Mr. C. MITRAN
Second Secretary
Permanent Mission of Rumania
Geneva

II. INTERGOVERNMENTAL ORGANIZATIONS

UNITED NATIONS

Mr. I. IVANOV
Responsible for Economic Affairs
United Nations Conference on Trade and Development (UNCTAD)
Geneva

INTERNATIONAL PATENT INSTITUTE

Mr. G. FINNISS
Director-General
International Patent Institute
The Hague

Mr. P. VAN WAASBERGEN
Technical Director
International Patent Institute
The Hague

Mr. R. WEBER
Head of Division
International Patent Institute
The Hague

OFFICERS OF THE SESSION

Chairman: Mr. G. GRANT
(United Kingdom)

Vice-Chairmen: Mr. Y.E. MAKSAREV
(USSR)

Mr. A.F. MAZARAMBROZ
(Spain)

Secretary: Dr. A. BOGSCH (BIRPI)

UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF
INTELLECTUAL PROPERTY

Professor G.H.C. BODENHAUSEN, Director (BIRPI)
Dr. Arpad BOGSCH, Deputy Director
Mr. Ch.-L. MAGNIN, Deputy Director
Mr. R. WOODLEY, Senior Counsellor
Mr. B.A. ARMSTRONG, Counsellor, Head, Division of Finance,
Personnel and General Administration
Mr. C. MASOUYÉ, Counsellor, Head of the Copyright Division
Mr. K. PFANNER, Counsellor, Head of the Industrial Property
Division