

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

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

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 re-presented: 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 13 States were represented by observers: Algeria, Belgium, Brazil, Canada, Cuba, Czechoslovakia, Denmark, Holy See, Israel, Italy, Lebanon, 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 (Annex I).
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 Italy informed the Committee that Italy was about to deposit its instruments of accession to the Lisbon Acts of the Paris Convention and the Madrid Agreement (Indications of Source).



14. 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.

15. 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).

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

#### ICIREPAT

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

18. It unanimously decided to make certain changes, the draft of which is reflected in document CEP/IV/16. The final text of the ICIREPAT Rules is attached to this Report (Annex II). 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;

(f) the Representative of Canada said that he would have preferred had Article 2 called for more detailed specification of the requirements, in terms of contributions, for becoming a member.

19. 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

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

21. The Director of BIRPI introduced the said documents.

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

23. In connection with the proposed study of a "priority fee" system (see document CCIU/VI/6, paragraph 16), the Representative of Germany (Federal Republic) 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.

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

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

26. 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) Belgium is seeking authority to contribute 50,000 Belgian francs (approximately \$984),

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

(c) France will not be able to contribute,

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

(e) the Netherlands will contribute an amount of adequate size,

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

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

(h) Sweden will, in all probability, contribute an amount of adequate size.



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

- (a) Canada will contribute \$1,500,
- (b) Italy is seeking authority to contribute an adequate amount (amount suggested by BIRPI: \$6,000) part of which is already assured,
- (c) France is seeking authority to contribute (amount suggested by BIRPI: \$10,000),
- (d) Germany (Federal Republic) will 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 (approximately \$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).

28. 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.

29. 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.

30. 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. The Representative of Germany (Federal Republic) said that any contribution by his Government for the years 1970 and beyond would depend on the extent to which other interested countries had contributed in the past and would undertake to contribute in the future. It was understood that BIRPI would, possibly with the advice of the "PCT Financing Working Group" (see paragraph 31, below), suggest amounts before the next session of the Committee.

31. The Committee decided to set up a "PCT Financing 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 (or, after consultation with the other Nordic countries, one of them), Switzerland, United Kingdom, United States of America. The Committee agreed to this composition of the Working Group.

32. 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.

33. 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.

34. 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 an adequate sum,

(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.



Matters concerning the Protection of Type Faces

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

36. A thorough discussion took place on this subject, 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. The Representatives of the Netherlands and the United Kingdom, for their part, expressed a strong interest in the conclusion of a special agreement. The Representative of Austria declared at the same time that his Government would be willing, if requested, 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). Thereupon, 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. The Representative of Israel said that he would very much regret it if it were not BIRPI which sponsored the negotiating 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).

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.

Tribute to Deputy Director Magnin and Senior Counsellor Woodley

48. The Committee reiterated the tribute paid to Deputy Director Magnin and Senior Counsellor Woodley on the occasion of their approaching retirement, as reflected in document CCIU/VI/17.

Jubilee Symposium of the Soviet Union

49. The Representative of the Soviet Union extended an invitation to all present to attend the Moscow Jubilee Symposium 1969 to be held from July 1 to 5, 1969.

Next Session of the Committee

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

Closing of the Session

51. The Fourth Ordinary Session of the Executive Committee was closed by its Chairman, Mr. Gordon Grant, C.B. (United Kingdom).

52. The present Report was  
unanimously adopted by the Committee  
in its closing meeting on September 27,  
1968.