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WORLD INTELLECTUAL PROPERTY ORGANIZATION

UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY

GENEVA

BIRPI

INTERNATIONAL UNION FOR THE PROTECTION OF INDUSTRIAL PROPERTY (PARIS UNION)

EXECUTIVE COMMITTEE

Sixth Ordinary Session
Geneva, September 21 to 29, 1970

DRAFT REPORT

prepared by the Secretariat

Opening of the Session

1. The Executive Committee of the Paris Union (hereinafter called "the Committee") held its sixth ordinary session at Geneva from September 21 to 28, 1970.
2. The following 14 States members of the Committee were represented: Ordinary Members: Brazil, France, Germany (Federal Republic), Hungary, Japan, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America (10); Associate Members: Argentina, Australia, Cameroon, Kenya (4).
3. The States and organizations which were represented by observers are shown in the list of participants (document AB/I/INF/2.Rev.).
4. The session was opened by Mr. Edward Armitage (United Kingdom), Chairman of the Ad Hoc Committee of the Whole (see

document AB/I/32, paragraph 5), acting as provisional Chairman of the Committee.

Agenda

5. The agenda was adopted as proposed in document P/EC/VI/1.Rev.

Adoption of the Rules of Procedure

6. See document AB/I/32, paragraph 16.

Election of Officers

7. The Conference unanimously endorsed the proposals made by the Nominations Committee (see document AB/I/INF/3) and elected the following officers:

Chairman : Mr. Yuri Maksarev (Soviet Union)
Vice-Chairmen : Mr. Shigeru Tokuhisa (Japan)
..... (Ceylon)

8. Mr. Klaus Pfanner, Senior Counsellor, Head of the Industrial Property Division of WIPO, acted as Secretary of the Committee.

Approval of the 1971 Program and Budget of the Paris Union

9. See document AB/I/32, paragraph 92.

Universal Agreement on Marks

10. See document AB/I/32, paragraph 66.

Developing Countries and Patent Licensing

11. See document AB/I/32, paragraph 75.

Confirmation of the Organizational Rules of ICIREPAT

12. Discussions were based on document P/EC/VI/2.

13. The Executive Committee unanimously confirmed the Organizational Rules of ICIREPAT as they appear in the Annex of the said document, subject to the deletion of Article 16. That Article dealt with transitional questions which have become obsolete in the meantime.

14. During the discussions, the Delegation of Italy declared that its country took a particular interest in the activities of ICIREPAT and intended to take the necessary steps to become a participating country of ICIREPAT.

15. The Delegation of Romania stated that its country wished to be considered a participating country of ICIREPAT. In conformity with Article 2(1)(a) of the Organizational Rules, it made a pledge to perform work in its own national Industrial Property Office and to contribute to the work to be carried out in connection with ICIREPAT by the International Bureau. The Committee noted the declaration of the Delegation of Romania by which Romania had become a participating country of ICIREPAT as at September 26, 1970.

16. The Secretariat informed the Committee that ICIREPAT now comprised 21 participating countries.

Establishment of the 1971 Program of ICIREPAT

17. The Committee unanimously established the program and budget of ICIREPAT for 1971 as proposed in documents P/EC/VI/3, P/EC/VI/6, and AB/I/7.

18. See also the following chapter of the present report.

Adoption of a Resolution concerning Special Contributions to the 1971 Program of ICIREPAT

19. Discussions were based on documents P/EC/VI/4 and 7. The latter document is a report of a working group set up by the Committee and which, under the chairmanship of Mr. W.E. Schuyler, Jr. (United States), worked out a certain number of proposals in order to assist the Committee in its deliberations. The discussions dealt mainly with the following four points: non-cash contributions, place of ICIREPAT meetings, workload of the Secretariat, possible assumption by the Paris Union budget of the cost of certain ICIREPAT activities.

20. Non-Cash Contributions. - The Delegations of the Soviet Union and of the United States of America declared that they did not--and at least for the year 1971 in all probability would not--have authority to contribute in cash to the covering of the expenses of the International Bureau caused by the fact that it acted as Secretariat of ICIREPAT. Instead, they pledged the services of qualified staff members of their respective Offices, hereinafter referred to as "loaning of persons." The Delegation of the United

States informed the meeting, however, that the US Patent Office was seeking the necessary Congressional authorization to be able to furnish its contributions in cash but that such authorization, if forthcoming at all, would probably not be granted until it was too late to pay cash contributions for the year 1971.

21. The Delegations of Denmark, Finland, France, Germany (Federal Republic), Japan, the Netherlands, Sweden and the United Kingdom expressed their concern and dissatisfaction with regard to a situation in which two of the major Offices would be loaning staff rather than paying cash. Several of these delegations said that the loaning of staff placed the the Secretariat, on the one hand, in an unfavorable position--since it had no power to choose the persons it needed and no disciplinary powers over the persons on loan--and the Offices loaning the staff, on the other hand, in a more advantageous position than those Offices which paid cash as the persons who had been loaned to WIPO brought with them, on returning to their home Offices, a new experience not available to Offices whose staff had not been loaned. Some of these delegations also stated that a great part of the Secretariat's expenses must in any case be covered by cash and that it was only fair that each participating Office should contribute an equitable share towards the covering of such cash needs. Finally, they emphasized that their reluctant acceptance of the idea of two countries contributing staff rather than cash applied only to 1971 and that they would have to reconsider their position if, after 1971, those countries were still unable to pay their contributions in cash. They expressed the sincere hope that the Offices in question would be able to pledge cash contributions as from the year 1972.

22. Place of ICIREPAT Meetings. - The Committee agreed that, in order to save money for the Secretariat, all ICIREPAT bodies should hold their meetings in Geneva in 1971, subject, however, to the possibility that the Technical Coordination Committee may recommend exceptions but only if it is fully satisfied that exceptional circumstances make it necessary for particular meetings to be held elsewhere than in Geneva.

23. Workload of the Secretariat. - The Delegations of Australia, Austria and the United Kingdom expressed the view that the Secretariat had prepared too many papers, some of them duplicating others previously issued, and that in several meetings of the Technical Committees of ICIREPAT the Secretariat had provided two persons rather than one to perform the task of secretariat. The representative of the International Bureau replied that they had only minimal control over the number and length of documents since most of them were authored by the participating Offices. Since the Secretariat had only one full-time professional staff member, the second person appearing in some of the meetings was a person on temporary loan. The latter's presence was needed for purposes of training, and the former's for securing continuity.

24. After this discussion, the Committee agreed that all participating countries and all bodies of ICIREPAT should be urged to cut down as far as possible their demands on the Secretariat to enable the latter to make economies. In particular, the reproduction and circulation of documents should be requested only to the extent necessary for the continuation of the program of ICIREPAT and documents should be as concise as possible.

25. Method of Financing the Costs of the ICIREPAT Activities of the Secretariat. - After a lengthy exchange of views on this subject, the Committee invited the Director General to study the possibility of covering from the budget of the Paris Union (rather than from voluntary contributions) those expenses which related to activities of interest to all Paris Union member States, such as the ICIREPAT efforts in the field of standardization of patent documents and microforms.

26. Pledges. - The Committee then unanimously approved a resolution on the pledges of contributions for 1971 and took note of those pledges. The resolution and the list of pledges are attached as annexes to this report.

Adoption of a Resolution concerning Special Contributions to the 1971 PCT Program

27. See document AB/I/32, paragraphs 88 and 89, and Annexes F and G.

Implementation of the Resolution of the Washington Diplomatic Conference on the Patent Cooperation Treaty

28. See document AB/I/32, paragraph 90.

Confirmation of the PCT Financing Working Group

29. The Committee considered document P/EC/VI/5. It unanimously adopted the suggestions contained therein. Consequently, the "Patent Cooperation Treaty Financing Working Group" is maintained; it has eleven members (Canada, France, Germany (Federal Republic), Italy, Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America); and its mandate is to study, with the Director General of WIPO, the financial repercussions of the Patent

Cooperation Treaty until such time as it enters into force. It will recommend measures for financing the expenses of the International Bureau connected with the Patent Cooperation Treaty until such entry into force.

Admission of Observers

30. See document AB/I/32, paragraph 44.

[Annex follows]

ANNEX

ICIREPAT PLEDGES

Resolution

The Executive Committee of the International (Paris) Union for the Protection of Industrial Property,

Considering the Organizational Rules of the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT),

Taking as a basis the volume and nature of work in the respective national Offices,

Recommends the following amounts as the cash contributions of the participating countries for the year 1971:

17,829 US dollars or 77,020 Swiss francs for each of the following countries: Germany (Federal Republic), Japan, Soviet Union, United Kingdom, United States of America;

4,977 US dollars or 21,501 Swiss francs for each of the following countries: Australia, Austria, Canada, France, Netherlands, Sweden;

1,232 US dollars or 5,322 Swiss francs for each of the following countries: Czechoslovakia, Denmark, Finland, Hungary, Ireland, Israel, Norway, Romania, Spain, Switzerland.

List of Pledges

The Delegations of the countries indicated below made the following pledges to the Executive Committee of the Paris Union with regard to the contributions of their Governments to the ICIREPAT budget (the countries are listed in the order in which they are mentioned in the above Resolution):

(1) Germany (Federal Republic) will pay the amount indicated in the Resolution;

(2) Japan will pay the amount indicated in the Resolution, subject to the approval of the budget of its Patent Office by the Japanese Diet;

(3) the Soviet Union will furnish the services of one specialist, working full time throughout the entire year of 1971 at WIPO Headquarters, all expenses paid by the Soviet Government;

(4) the United Kingdom will pay the amount indicated in the Resolution, provided its contribution does not exceed 14% of the total contributions;

(5) the United States of America will furnish the services of two specialists, working full time throughout the entire year of 1971 at WIPO Headquarters, all expenses paid by the US Government, for ICIREPAT and PCT work;

(6) Australia

(7) Austria will probably pay the amount indicated in the Resolution;

(8) Canada will pay the amount indicated in the Resolution;

(9) France will pay the amount indicated in the Resolution;

(10) the Netherlands will pay the amount indicated in the Resolution, subject to approval of its budget;

(11) Sweden will pay the amount indicated in the Resolution;

(12) Czechoslovakia hopes to be able to pay the amount indicated in the Resolution but its final decision will be announced at a later date;

(13) Denmark expects to be authorized to pay the amount indicated in the Resolution;

(14) Finland will pay the amount indicated in the Resolution;

(15) Hungary will pay the amount indicated in the Resolution;

(16) Ireland

(17) Israel

(18) Norway is confident that it will be authorized to pay the amount indicated in the Resolution;

(19) Romania will pay the amount indicated in the Resolution;

(20) Spain will announce later the amount that it will pay;

(21) Switzerland will pay the amount indicated in the Resolution, subject to approval of its budget.

/End of the Annex and of
the document/

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The first part of the report deals with the general situation of the country and the progress of the work.

The second part of the report deals with the results of the work and the conclusions drawn from them.

The third part of the report deals with the financial situation of the country and the progress of the work.

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