

Industrial Property

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INTERNATIONAL UNIONS

ICIREPAT Technical Coordination Committee

First Session

(Geneva, April 17 and 18, 1969)

Note ¹

The First Session of the Technical Coordination Committee (hereinafter referred to as "the TCC") of the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) was held in Geneva on April 17 and 18, 1969.

The list of participants follows this note.

The Secretariat informed the Committee that the following 17 countries are now participating countries of ICIREPAT ²:

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

Austria and Canada have expressed the desire to become participating countries but have not yet made definite pledges.

The following are among the more important decisions made by the TCC:

1. Members of the TCC

The TCC co-opted the Netherlands and Sweden as its two further members according to Article 6(3) of the Organizational Rules of ICIREPAT.

2. Creation of Technical Committees

The TCC created the following six Technical Committees (TC) of ICIREPAT and elected their Chairmen and Vice-Chairmen:

- TC. I: *Retrieval Systems Design and Testing*
Chairman: Miss I. L. Schmidt, Danish Patent Office.
Vice-Chairman: Mr. F. De Laet, International Patent Institute
- TC. II: *Technical Fields: Forward Planning*
Chairman: Mr. A. Wittmann, German Patent Office
Vice-Chairman: Mr. Kjeldsen, Norwegian Patent Office

TC. III: *Advanced Computer Techniques*

Chairman: Mr. L. F. W. Knight, International Patent Institute

Vice-Chairman: Mr. W. W. Burns, United States Patent Office

TC. IV: *Microform*

Chairman: Mr. E. A. Hurd, United States Patent Office

Vice-Chairman: Mr. A. A. M. Mulder, Netherlands Patent Office

TC. V: *Patent Format and Printing*

Chairman: Mr. R. P. Vcherachny, Soviet Patent Office

Vice-Chairman: Mr. J. J. Hillen, Netherlands Patent Office

TC. VI: *Systems Implementation*

Chairman: Mr. D. G. Gay, United Kingdom Patent Office

Vice-Chairman: Mr. G. Putz, International Patent Institute.

The TCC adopted at the same time the detailed terms of reference of each of these Committees (see under "Mandates of Technical Committees" at the end of this note).

3. Advisory Board for Cooperative Systems (ABCS)

The TCC decided to retain the ABCS as a special working group independent of the newly created Technical Committees.

4. Assessment of ICIREPAT Activities Other Than the Shared Systems

On the basis of a document prepared by BIRPI and listing all ICIREPAT activities — other than the shared systems ³ — in respect of which substantial work has been done in the past, the TCC proceeded with an assessment of those activities. The assessment was carried out for the following fields of activity:

- (a) Standardization
- (b) Microform
- (c) System Design, Implementation and Testing.

For each of these fields of activity, the TCC decided that, with respect to all matters disposed of by the former ICIREPAT, it would reconfirm all recommendations already made, whether they had been adopted by the full body of the former ICIREPAT, the former Steering Committee, or the Enlarged Transitional Steering Committee (ETSC).

With respect to the matters pending, the TCC decided which of these matters were to be maintained on the program and reassigned them to the newly created Technical Committees.

¹ This note has been prepared by BIRPI on the basis of the official documents of the session.

² In the meantime, Switzerland has made a declaration of participation, which brings the number of participating countries to 18.

³ Where the assessment had already been made by the Enlarged Transitional Steering Committee of ICIREPAT (see note in *Industrial Property*, 1969, page 17).

5. Shared Systems

The TCC strongly urged all Offices having agreed to participate in the shared systems program to comply as rapidly as possible and within the arranged time schedule with the commitments they had made.

Following the proposal of the representative of the United Kingdom to program a decision on long-range planning for the shared systems program, the TCC invited all Offices of countries members of the TCC to study their possibilities as to the manpower available for system design and analysis within the ICIREPAT program and to inform the next TCC meeting what commitments they could make.

6. Derwent Services

The TCC discussed the US questionnaire on the possible interest in Derwent's present and planned patent services and the replies received from the participating countries. The TCC took note of the fact that a number of countries hesitated to base their documentation on any services of a commercial nature, since there was no guarantee that such services would continue or would not cease altogether. The TCC decided, therefore, not to take any action on this matter at present.

7. Program of ICIREPAT for 1970

The TCC decided that an Annual Technical Meeting of ICIREPAT should be held in 1970.

8. Next Meetings

The TCC approved the proposal to hold its Second Session on September 17, 1969, and the First Ordinary Session of ICIREPAT on September 18 and 19, 1969, in Geneva. It was noted that a further session of the TCC might be necessary in December 1969 to adopt a package program for shared systems for 1970. It was decided not to have an Annual Technical Meeting of ICIREPAT in 1969. All Technical Committees should meet as soon as possible in order to set themselves up and work out their programs. The TCC urged in particular that the Technical Committee on Microform (TC. IV) should reach agreement, within a short time, on the questions still unsolved in this field.⁴

Mandates of Technical Committees

TC. I: Retrieval Systems Design and Testing

Study of the design, development and testing of mechanized and manual information retrieval systems. This does not include design and development of classical classification systems (e. g., pigeon-holes). The initiation of investigations to be made in the member Offices concerning the criteria for analysis and indexing of documents and the minimum acceptable performance levels of systems, including (in respect of

both mechanized and manual systems) investigations into the effects upon retrieval which result from indexing (or classifying) abstracts or selected portions only of specifications instead of the full text and from the establishment of cut-off dates and the assessment of the results thereof.

TC. II: Technical Fields: Forward Planning

Studies and develops methods for the clear demarcation of fields of technology to provide a basis of selection of fields for development of search systems, either mechanized or manual. Collects basic data, such as size of document files and application activity by fields, and develops information necessary for cost/benefit decisions by potential participating Offices. Develops proposals for mechanized programs covering projects in several fields in order to permit evaluation and adoption of package programs for the development, under the control of the ABCS, of mechanized systems through co-operative efforts of the ICIREPAT members. Produces periodically, from among those systems notified to it by the ABCS as likely shortly to reach Stage 5, a proposed package of systems to be implemented, together with a draft timetable therefor, and submits this to the TCC for approval. Maintains close liaison with the Joint *ad hoc* Committee of the Council of Europe and BIRPI on the International Classification of Patents.

TC. III: Advanced Computer Techniques

Studies the long-range problems related to computer applications to information retrieval. This includes studies and investigations of machine assisted indexing or classification, full text searching, optical character recognition developments, advanced display techniques, etc. Plans a coordinated program for ICIREPAT in these areas to assure adequate coverage and to eliminate undesirable overlap. Coordinates investigations within ICIREPAT with related efforts of non-patent organizations.

TC. IV: Microform

Responsible for continuing the studies directed toward establishment of necessary additional standards for 8-up aperture card microforms considering the needs and contemplated uses of the various national Offices and the problems of international exchange. These studies will include resolution of the problems of photographic characteristics, generation and polarity of exchange copies, emulsion face, methods of quality control and quality assurance, feasibility of exchange of microform in lieu of paper copies, provision of aperture cards together with punched cards or other indexing information for shared use systems, etc. Also responsible for investigations directed toward the identification of needs for any other type of microform on an international basis and for establishing criteria and standards for any such identified needs. Conducts investigations into availability of equipment related to the creation and use of microforms and establishes needs for new equipment developments or modifications.

⁴ All six newly created Technical Committees of ICIREPAT met in Geneva between May 27 and June 12, 1969. ABCS held a meeting in London on May 22 and 23, 1969.

TC. V: Patent Format and Printing

Studies the problems of establishing uniform standards for patent document formats (including those of Official Gazettes) with a view to organizing the documents to maximize usefulness and efficiency in mechanized searching, exchanging, microforming, etc. Prime emphasis is on the format of the first page. Investigates developments in improved printing techniques such as computer composed photo composition which provide for flexibility and economical modification of the format of printed documents. Investigates the other benefits to be derived from having machine readable text for computer controlled composition such as the creation of a data base (e. g., for experimental and eventually operational full text (or abstract) machine assisted analysis or full text search; responsibility of TC. III), machine preparation of administrative forms and control information, ADP processing for management information systems, etc. Develops input standards for data base preparation and computer composed composition.

TC. VI: Systems Implementation

Responsible for all general problems of implementation of shared use systems including sharing of work load among participants; determination of minimum documentation, both patent and non-patent, required for shared use systems; exchanges of indexing data, coding sheets and the like; layout of coding sheets and punched cards; coding of bibliographic data, etc.; establishing correction methods and procedures for identifying documents belonging to a shared use system. Investigates problems and establishes criteria for compatibility of exchanged information such as punched cards, punched paper tape, magnetic tape, documents capable of being read by optical readers and the like and makes recommendations relative thereto, e. g. as to nature of carrier, coding, record layout. Investigates problems of computer program compatibility and exchange of programs, studies and coordinates the conversion of direct coded punched cards to magnetic cards or to magnetic tape or vice versa. Investigates computer based (or manual if deemed advisable) methods of and means for developing families of patent data to assist in the classification or indexing of corresponding patents, in distribution of indexing responsibilities for shared use systems, in identification of corresponding documents in different languages, or in establishing more efficient search files. Maintains contact with related efforts, such as the planned WPI, in order to minimise overlap. Studies methods of improving storage and retrieval and providing examiners with ready access to documents identified by a retrieval process as, for example, providing serial files in paper or microform (Microform per se, TC. IV), providing computer print out or display of abstracts, full text, etc.

General Statement

Each Technical Committee will keep in touch with outside activities relevant to its area of interest and will include among its recommendations the incorporation into the ICIRE-PAT program of such as seem to it to be desirable. It will establish uniform procedures and standards within its own area.

List of Participants**I. Participating Countries***France*

Mr. P. Rouliot, Engineer, Classification Office, National Institute of Industrial Property, Paris.

Germany (Federal Republic)

Mr. K. Haertel, President, German Patent Office, Munich.
Mr. R. Singer, Leitender Regierungsdirektor, German Patent Office, Munich.
Mr. W. E. A. Axhausen, Regierungsdirektor, German Patent Office, Munich.
Mr. A. Wittmann, Regierungsdirektor, German Patent Office, Munich.

Japan

Mr. K. Otani, Director, Industrial Property Training Institute, Japanese Patent Office, Tokyo.
Mr. N. Nakajima, Patent Examiner, Japanese Patent Office, Tokyo.
Mr. M. Kuroda, First Secretary, Permanent Delegation of Japan, Geneva.

Netherlands

Mr. G. J. Koelewijn, Member of Patent Board, Netherlands Patent Office, The Hague.

Sweden

Mr. G. R. Borggård, Director-General, National Patent and Registration Office, Stockholm.
Mr. T. Gustafson, Deputy Director, National Patent and Registration Office, Stockholm.

Union of Soviet Socialist Republics

Mr. I. Tcherviakov, Deputy Director, Central Patent Information Institute, Moscow.
Mr. V. Roslov, Senior Engineer, Department of External Affairs, Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, Moscow.

United Kingdom

Mr. D. G. Gay, Superintending Examiner, Patent Office, London.

United States of America

Mr. G. O'Brien, Assistant Commissioner of Patents, Patent Office, Department of Commerce, Washington D. C.
Mr. H. J. Winter, Assistant Chief, Business Practices Division, Bureau of Economic Affairs, Department of State, Washington D. C.
Mr. R. Spencer, Director, Office of Research, Development and Analysis, Patent Office, Washington D. C.

II. Observer Country*Switzerland*

Mr. J.-L. Comte, Head of Section Ia, Federal Bureau of Intellectual Property, Berne.
Mr. M. Leuthold, Head of Section II, Federal Bureau of Intellectual Property, Berne.

III. International Patent Institute

Mr. P. van Waasbergen, Technical Director, The Hague.
Mr. L. F. W. Knight, Consultant in Information Retrieval, The Hague.
Mr. R. Weber, Head of Division, The Hague.

IV. Officers of Former Standing Committees and ABCS

Miss I.-L. Schmidt, Chairman STAC I
Mr. P. van Waasbergen, Chairman STAC II
Mr. J. J. Hillen, Chairman STAC III
Mr. J. Dekker, Chairman ABCS

V. Officers of the Session

Chairman: Mr. K. Haertel (Germany (Federal Republic)).
 Vice-Chairman: Mr. P. van Waasbergen
 (International Patent Institute).
 Secretary: Dr. Arpad Bogsch (BIRPI).
 Deputy Secretary: Mr. Klaus Pfanner (BIRPI).

VI. United International Bureaux for the Protection of Intellectual Property (BIRPI)

Professor G. H. C. Bodenhausen, Director.
 Dr. Arpad Bogsch, First Deputy Director.
 Mr. Klaus Pfanner, Counsellor, Head of the Industrial Property Division.
 Mr. I. Morozov, Counsellor, Industrial Property Division.
 Mr. W. Weiss (German Patent Office).
 Mr. H. D. Hoinkes (US Patent Office).
 Mr. Y. Hashimoto (Patent Office of Japan).

LEGISLATION

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Health Services and Public Health Act 1968

(Extract)

Part IV

MISCELLANEOUS MATTERS

Provision of General Application

59. — (1) The powers exercisable in relation to a patented invention under section 46 of the Patents Act 1949¹ by a government department or a person authorized by a government department shall include power to make, use, exercise and vend the invention for the production or supply of drugs and medicines required for the provision of pharmaceutical services, general medical services or general dental services, and prescribed for the purposes of this section by regulations made by the Minister of Health and the Secretary of State acting jointly; and any reference in that section or in section 47 or 48 of the Patents Act 1949¹ to the services of the Crown shall be construed accordingly.

(2) In the foregoing subsection references to pharmaceutical services, general medical services and general dental services shall be construed as referring to services of those respective kinds under Part IV of the National Health Service Act 1946, Part IV of the National Health Service (Scotland) Act 1947 or the corresponding provisions of the law in force in Northern Ireland or the Isle of Man.

(3) The power conferred by subsection (1) above to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) This section shall extend to the Isle of Man.

¹ See: "Loi tendant à codifier certains textes législatifs concernant les brevets" (du 16 décembre 1949) (deuxième partie), *La Propriété industrielle*, 1950, p. 81 et 82.

UNION OF SOVIET SOCIALIST REPUBLICS *

Regulations for the

Drafting of Applications in Respect of Inventions (EZ-1-67)
 Approved by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, on July 28, 1966, by Decree No. 80, and effective as from January 1, 1967

I. Introduction

For the purposes of the effective protection of USSR State interests in the field of scientific and technical achievements, inventions must be promptly educed and covered by applications for their registration.

The filing of applications enables the Soviet State more fully to utilize the inventions in the USSR and make arrangements for their commercialization abroad.

In the case of inventions made by workers in enterprises (organizations) in the course of the fulfilment of a task assignment (according to plans for the development and introduction of new techniques and plans for scientific research work, etc.), the directors of such enterprises (organizations) shall be obliged to ensure — before disclosure — the timely drafting and filing of the applications for the grant of certificates of authorship, on behalf of the enterprise (organization), indicating the name of the author (authors) of the invention.¹

Applications in the name of individual authors or groups of authors relating to inventions not made in the course of the fulfilment of a task assignment shall be filed through the intermediary of the enterprises (organizations) where they are employed.

Enterprises (organizations) having received such applications shall render to authors the necessary assistance with the proper drafting of their applications, shall append to each application their conclusions on the usefulness of the invention, its novelty as viewed by industry and the expediency and possible priority of its use, and shall transmit the applications, together with the conclusions, within one month from the date of receipt by the enterprise (organization), to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

Persons not employed in enterprises (organizations) shall file their applications, as a rule, through the intermediary of the local organs of the All-Union Society of Inventors and Authors of Rationalization Proposals, which shall render them the necessary assistance with the proper drafting of their applications.

Authors of inventions and their heirs shall have the right to file their applications direct with the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

* BIRPI translation.

¹ If the director of an enterprise (organization), for some reason, considers it inappropriate to file an application on behalf of the enterprise (organization), the author of an alleged invention may file an application in his own name, indicating that the invention has been made in the course of the fulfilment of a task assignment.

Before drafting an application, it is advisable to consult and study the Statute on Discoveries, Inventions, and Rationalization Proposals.

The substance of an invention must be fully disclosed in the application. It must be remembered that, when analyzing an application, the examiner is in a position to evaluate the proposal only within the limits of what has been described in the application. It shall not be permitted to change the substance of an application after it has been filed, or to add new matter beyond the scope of the initial subject matter. In the application, therefore, an invention must be described in detail and characterized in all its aspects, and its workability must be fully reflected. The description may not be limited to disclosure only of the basic concept of the invention.

The proper drafting and filing of the application facilitates examination thereof, enables a correct decision to be reached, and ensures rapid and large-scale reduction to practice of the invention.

The data on an invention may not be published before the application has been filed with the Committee; after filing, publication may be effected according to established procedure.

Publication of data on the substance of the solution of a technical problem before filing the application shall lead to refusal to recognize the solution as an invention. In the USSR, neither a certificate of authorship nor a patent can be granted if, prior to filing the application, the substance of an invention has been disclosed in domestic or foreign literature, in reports by scientific research institutes and project and design establishments, in published information on the use of the invention, or in any other way that would make it possible to carry out the invention. The only exceptions to this rule shall be those cases where the author has filed his application not later than four months from the date of signing the document or report concerning the commencement of the introduction of his invention, or from the date of confirmation of the report on the scientific research, project and design or experimental work of the author containing data on the invention, or from the date of publication of the data on the invention in departmental documents for internal use.

These Regulations contain the compulsory requirements to be complied with; non-compliance shall entail the return of the application to the applicant, without examination, for further elaboration and re-drafting according to the prescribed requirements, the priority date being established as the date of receipt of the properly drafted application by the Committee.

II. General Provisions

1. By "invention" is understood any essentially new solution of a technical problem in the fields of national economy, culture, health, or national defense, whereby a positive result is achieved, and not merely the statement of a problem or the expression of an idea without proposing concrete means for putting it into practice.

2. For the proper evaluation of an invention on the basis of the application, and in order to create possibilities

for its widespread use, the invention must be described in the application with such precision, clarity, and completeness, as to enable persons skilled in the art to carry it out. The applicant must not only show in the description the intention or the main conception of the invention but must also provide a concrete solution to the technical problem involved.

3. Each application must relate to one invention only, that is to say, to one solution of a technical problem. An application should therefore describe only one device, or method (process), or substance.

Nor is it recommended to file a single application for a device and its variant, where the variant itself possesses substantial novelty and utility and therefore constitutes an independent or additional invention.

If, apart from the device as a whole, the various parts thereof (assemblies, details, etc.) may by themselves constitute separate inventions, separate applications shall be filed for such parts, independently of the application concerning the device as a whole.

4. An application must consist of a request, a description, and drawings if necessary. The description and drawings must be filed in triplicate. *The request shall preferably be filed also in triplicate.*

5. Applications in respect of inventions may relate to processes or methods (such as methods of manufacturing articles, or methods of producing substances, or methods of treating diseases, etc.), to devices (such as machines, instruments, apparatus, electric circuits, etc.), to substances (such as alloys, mixtures, blends, solutions, etc.), and to stock or strain producing substances, as well as to new applications of known devices, methods and substances to other fields of technology for other purposes, provided such application gives a positive result.

The above-mentioned applications form the subject of these Regulations.

It should be borne in mind that neither certificates of authorship nor patents shall be granted in respect of proposals:

- conflicting with humanitarian principles, Socialist morality, and public interest;
- contrary to the laws of nature, for example, perpetual motion;
- disclosing purely scientific discoveries, scientific principles, basic conceptions of science, but not solving any particular technical problem;
- relating to methods and systems of planning (including network schedules) and organization of national economy (or production) and supply, credit arrangements, book-keeping and accounting, and the like;
- consisting of the mere selection of geometric dimensions of articles and buildings; relating to the drawing of scales, diagrams, nomograms, symbols (such as road signs, itineraries, etc.), timetables, rules (for games, sports, traffic, and the like), calculation and calculation formulae, elaboration of codes, and also to logical schemes synthesized in accordance with established rules (mathematical correlation);

- relating to methods and systems of education, teaching and instruction, mathematical calculations for construction and transformation, as well as to programming, grammatical systems, methods of training animals, etc.;
- relating to the planning of the layout for buildings, streets and squares, parks and public gardens, settlements, towns, arable lands, and the like;
- concerning merely the external appearance of articles intended to satisfy mere aesthetic requirements, relating, for example, to colors and patterns, as distinguished from cases where a pattern has a technical (functional) importance, like the tread of tyres, for which a patent application may be filed since a new pattern for the tread of a tyre can produce a positive technical result, that is, a better road grip for the tyre.

III. Requirements in Respect of the Request

6. There shall be two kinds of requests, depending on the status of the applicant:

- (a) where the applicant is an enterprise (organization) in the name of which a certificate of authorship is requested;
- (b) where the applicant is an author or a group of authors, having made the invention outside the normal task assignment, requesting the issue of a certificate of authorship in his or their own name and filing the application through the intermediary of an enterprise (organization) together with the latter's conclusions, or where the applicant is an author or group of authors filing applications through the intermediary of the organs of the All-Union Society of Inventors and Authors of Rationalization Proposals (VOIR), or independently.

7. The request for the issue of a certificate of authorship on behalf of an enterprise (organization) shall be worded as follows:

To the Committee for Inventions and Discoveries
attached to the Council of Ministers of the USSR

Moscow, Center, M. Cherkassky per., 2/6

(name of the enterprise (organization) in whose name the grant
of a certificate of authorship is requested)

(address and telephone) *

Request

In submitting the documents mentioned below, we request that a certificate of authorship be granted in the name of

(name of the enterprise)

(organization)

for the invention _____
(short title of the invention, without specifying its distinctive features)

* Special enterprises (organizations) should furnish only such information as is allowed for non-secret correspondence.

The materials concerning the invention have been established in accordance with the Regulations for the Drafting of Applications In Respect of Inventions, approved by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, on July 28, 1966.

Prior to the filing of this application, the subject matter of the invention has not been published and it has not has been considered (delete where not applicable) _____

(state by whom, when and where, and the results of the consideration) *

On the basis of the invention there has been elaborated: a sketch plan, a detailed technical plan, working drawings (delete where not applicable).

An experimental model has been prepared by _____

(name of the enterprise (organization)) *

and tested _____

The test results are described in the enclosed

(report or other document)

The report on the usefulness of the invention, its novelty as viewed by industry, and the expediency and priority of its use, is appended hereto.

Note The report on the usefulness of the invention must be prepared in accordance with the Regulations for the Preparation of Reports on the Usefulness of Alleged Inventions, their Novelty as viewed by Industry, and the Expediency and Priority of their Use (EZ-3-65). In accordance with the above Regulations, the procedure for the preparation of reports may vary from case to case depending on specific circumstances and the working conditions of an enterprise, organization, ministry, committee, or central office, but it shall not be different from the procedure established therein for the consideration and approval of technical documentation.

It is recommended that draft reports on the usefulness of inventions in the most important or most doubtful cases should be considered by the Scientific and Technical Boards, Boards of Scientists, or sections thereof.

The author(s) of this invention is (are):

Surname, First Name and Patronymic	Place of Work	Desig- nation	Education	Scientific Qualifi- cations	Private Address, Teleph. No.
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____	_____

(in case of a large number of authors, all the data on each co-author should be furnished on a separate sheet appended to the request)

* Special enterprises (organizations) should furnish only such information as is allowed for non-secret correspondence.

We hereby declare that all the authors of this invention, without exception, have been mentioned in the request. We are aware that disputes concerning the authorship of an invention are decided by the courts and we are familiar with the contents of Sections 9 and 17 of the Statute on Discoveries, Inventions, and Rationalization Proposals.

We declare that, in the opinion of the applying organization, ministry or central office (delete where not applicable), publication of this invention in the press may be allowed (may not be allowed) (delete where not applicable).

We are aware that disclosure of the subject matter of this invention is not permitted until due authorization has been given and that the correspondence relating thereto shall be exchanged according to established procedure.

If the Committee considers this invention secret, we undertake to observe the rules of secrecy, including those provided for by the Statute on Discoveries, Inventions, and Rationalization Proposals.

All correspondence in respect of this application should be addressed to _____

- Enclosures:**
1. Description of the invention, signed by the director of the enterprise and by all the authors on . . . sheets, in triplicate.
 2. Drawings, signed by the director of the enterprise and by all the authors on . . . sheets, in triplicate.
 3. Report on the usefulness of the invention on . . . sheets, in duplicate.
 4. Other documents (reports, comments, etc.) on . . . sheets, in triplicate.

Signatures

Seal of the enterprise

Director of the enterprise (organization)

Author(s)

“ _____ ” _____ 19 _____

Note: Models and samples must not be submitted at the time of filing the application. If necessary, the Committee will ask for them to be submitted later.

8. If, in the application, a certificate of authorship is requested in the name of an enterprise with an indication at the same time of the name(s) of the true author(s), the request, the description and the drawings shall be signed by the director of the enterprise (organization) and by the author(s) of the invention.

Where the application for a certificate of authorship is filed in the name of an enterprise and it is impossible to establish the authorship of particular persons, the request, the description and the drawings shall be signed by the director of the enterprise (organization) and the signature shall be certified by the seal of that enterprise (organization).

9. The request by the authors of an invention for the issue of a certificate of authorship or a patent in their own name shall be worded as follows:

To the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR

Moscow, Center, M. Cherkassky per., 2/6

Surname, First Name and Patronymic	Place of Work Telephone No.	Designation	Education	Scientific Qualifications	Private Address, Teleph. No.
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____	_____

(in case of a large number of authors, all the data on each co-author shall be furnished on a separate sheet appended to the request)

Request

In submitting the documents mentioned below, I (we) request that a certificate of authorship (patent) be issued to me (us) for the invention entitled _____

(short title of the invention, without specifying its distinctive features)

The materials concerning the invention have been established in accordance with the Regulations for the Drafting of Applications in Respect of Inventions, approved by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, on July 28, 1966.

Prior to the filing of this application, the subject matter of the invention has not been published and it has not been considered (delete where not applicable) has

(state by whom, when and where, and the results of the consideration) *

On the basis of the invention there has been elaborated: a sketch plan, a detailed technical plan, working drawings (delete where not applicable).

An experimental model has been prepared by _____

(name of the enterprise (organization)) *

and tested _____

The test results are described in the enclosed

(report or other document)

I the undersigned _____
_____ declare that I am the sole author of this invention.

We the undersigned _____
_____ declare that all the authors of this invention without exception are mentioned in the application form.

We are aware that disputes concerning authorship are decided by the courts and we are familiar with the contents of Sections 9 and 17 of the Statute on Discoveries, Inventions, and Rationalization Proposals.

* Special enterprises (organizations) should furnish only such information as is allowed for non-secret correspondence.

I am (we are) aware that disclosure of the subject matter of this invention is not permitted until due authorization has been given, and that the correspondence relating thereto shall be exchanged according to established procedure.

If the Committee considers this invention secret, I (we) undertake to observe the rules of secrecy, including those provided for by the Statute on Discoveries, Inventions, and Rationalization Proposals.

Secret correspondence shall be addressed through the intermediary of _____

(name and address of the enterprise (organization))

I (we) entrust the correspondence in respect of this application to _____

(name of the person or enterprise (organization))

at the following address _____

- Enclosures:**
1. Description of the invention, signed by all the authors on sheets, in triplicate.
 2. Drawings, signed by all the authors on sheets, in triplicate.
 3. Other documents (reports, comments, etc.) on sheets, in triplicate.
 4. Receipt of the State Bank for payment of the filing fee (where a patent is applied for).

Signature(s)

Date _____ 19__

The application together with the enclosures mentioned above was received by _____

(name of the enterprise (organization))

(to be filled in when an application is filed through the intermediary of an enterprise (organization))

“ _____ ” _____ 19__

Seal Signature

Receipt of an application is certified by the signature of the head of the Division (Office) for Inventions and Rationalization Proposals, or of the head of the Patent Division (Office, Group) or by the Chairman of the local soviet of the All-Union Society of Inventors and Authors of Rationalization Proposals (VOIR).

Note: Models and samples must not be submitted at the time of filing the application. If necessary, the Committee will ask for them to be submitted later.

10. The form of the request shall be typewritten, or filled in by hand provided it is in ink and in legible characters.

11. If the application is in a foreign language or in one of the languages of the USSR, it must be accompanied by the full translation into Russian. In the case of foreign applicants, the translations must be certified by the All-Union Chamber of Commerce.

IV. Requirements in Respect of the Description

12. The description of the invention together with the brief formulation of the subject of the invention — the invention formula — shall constitute the main document of an application. The subject matter of the invention shall be dis-

closed in the description and the invention formula, as well as in the explanatory drawings appended thereto, and their proper understanding by the examiner will depend to a large extent on how precisely and clearly they have been drafted.

The description and the invention formula must give all the characteristics and features of an invented device, method (process), or substance.

13. The description must be drafted precisely and clearly so that the subject of the invention may be understood.

When drafting the description and the invention formula, it must be borne in mind that the certificate of authorship or patent is issued for the solution of a technical problem producing, through its use, a positive result, but not for the positive result itself.

After specifying in the invention formula the purpose achieved by the invention, there must be clearly and precisely formulated the distinguishing features of the subject of the invention (device, method, or substance), and its technological, constructional, design or formula features distinguishing it from the prototype (the nearest known solution of the problem), which, in the applicant's opinion, ensure the achievement of a positive result.

14. The description of the invention shall include:

- (a) the title of the invention;
- (b) an introduction;
- (c) the list of figures in the drawings;
- (d) a detailed description of the invention;
- (e) the invention formula.

15. The title of the invention shall be precise, brief, and specific. It shall correspond to the subject of the invention. It may not be generic or abstract in character.

The title of the invention as used in the description shall correspond to that mentioned in the application for a certificate of authorship or a patent. If an applicant requests that the invention be named after its author or that it be given a specific designation, the name or designation, shall appear in the description.

16. The introduction shall list consecutively the following data:

- (a) to what branches of technology the alleged invention relates and for what particular purposes of technology it is applicable;
- (b) what solutions of the technical problem aimed at the same (or a similar) result are known to the inventor;
- (c) what particular known device, method, or substance (mentioning the distinguishing features and the source of disclosure), is improved by this invention and what particular deficiencies or shortcomings of the known invention it is aimed to make good or to correct;
- (d) what purposes may be achieved by using the invention;
- (e) what is the substance of the invention, that is, what features of the invention ensure the achievement of the purposes aimed at.

17. In the introductory part of the description, reference must not be made to drawings, with the exception of the drawings of the prototype attached to the application which, in the applicant's opinion, are necessary.

18. After the introduction, there shall follow the list of figures appearing in the drawings. Each figure shall be separately explained. Brief references to figures shall merely state what is depicted in each of them. All the essential parts and assemblies mentioned in the description shall be indicated in the figures by Arabic numerals.

19. The detailed description of a device shall start with an explanation of its design or a diagram (electric block schematic diagram, steam or hydraulic flow sheet diagram, etc.) of the device taken statically; all the parts and assemblies necessary for understanding and carrying out the device which appear in the drawings shall be mentioned, and their functions and positioning explained.

20. The detailed description of a device shall be so drafted that constructional, design or diagrammatic features of its parts, blocks, assemblies, etc., would not give rise to supposition or conjecture.

Parts and assemblies mentioned in the description, as well as relations between known and new parts or assemblies of the device, shall be shown in the drawings or diagrams.

21. After describing the device in static conditions, it is essential to show how it works, that is, to describe its performance or how it is used, with reference to numerical and other indications in the drawings.

22. The detailed description of a method (technological process) shall include: an enumeration of the steps (operations) of the process, an indication of their sequence, and the régimes (temperature, pressure, and the like) to be employed in its use. In the description of a process, specific examples of its use must be given and also the data on the experimental test, if any.

23. The detailed description of a substance shall include its characteristics and the specification of its ingredients (composition of the substance), in particular, the percentage limits (from . . . to . . .) of their content in the composition. The ratio of ingredients may not be expressed in vague terms such as "about," "nearly," "roughly," and the like. Furthermore, the physical condition and quality of ingredients in their initial state must be specified.

24. The description of a substance shall be accompanied by documentary proof of its producibility and the data on the test, proving on the basis of specific varieties (specimens) of the proposed substance that it possesses the qualities ensuring the achievement of the purpose set forth in the description of the invention. The ratio of the ingredients of these particular specimens of the substance must be within the range of the percentage limits specified in the invention formula, including the extremes (minimum and maximum).

Note: No certificates of authorship or patents shall be issued for substances obtained chemically.

25. The description of inventions the essence of which is constituted by the use of known devices, methods, or substances, for new purposes in other branches of technology, shall include the definition of such new purposes of the device, method, or substance, the reason why it has become possible to use it for new purposes, the new branch of technology in which the invention is applicable, and the scope of the new positive result.

26. In the text of the detailed description, reference shall be made to the numerals indicating all parts and assemblies depicted in the drawings and, if necessary, the characteristic dimensions of the invention. The numerals indicating parts, assemblies, and details, shall be cited progressively in the order of their appearance, starting from the number 1. These parts, assemblies, and details, shall be denoted in the drawings by the same numerals.

27. The description shall end with the invention formula, that is to say, a succinct statement of the features of the invention made in accordance with established rules and defining the scope of the invention, its novelty, and its purpose.

In patent practice, the invention formula is known either in the form of a one-sentence paragraph (single-claim formula) or in the form of two or more paragraphs (multi-claim or chain formula).

The legal significance of the invention formula is that it constitutes the criterion of the scope of the rights of the inventor and the only means of establishing whether the invention is usable or not, whether independently or as part of an object, for example, a building, a machine, material, etc.

In view of the decisive legal importance of the invention formula, it shall be drafted in such a way that it (or the first claim of a multi-claim formula) shall include the main (essential) features ensuring protection of the inventor's rights within sufficiently wide limits and shall not leave any possibility of "circumventing" the said formula by substituting one feature for another, equivalent from the point of view of the purpose it serves, such main features being sufficient to enable the invention to be carried out without implying further inventive activity.

The main features shall be formulated in the first claim in such a way that they shall cover all the possible and foreseeable specific cases of exploitation or utilization of the invention, that is to say, they shall cover all subsequent claims, being at the same time independent thereof.

The second and subsequent claims of a multi-claim formula shall develop and supplement features mentioned in the first claim, directly or indirectly, that is to say, through the subsequent claims dependent on the first claim of the invention formula.

Since the multi-claim formula characterizes an invention more completely, it shall be given preference. The single-claim formula may be used only when the main features of the subject of an invention exhaust its technical essence and do not require to be developed or supplemented by further claims.

Note: By features of an invention are understood indications included in the invention formula as to the use in the subject of the invention of certain elements, such as, parts or assemblies in a device, operations or steps in a method, ingredients or components in a substance; indications as to the particular form of the above elements or of their interconnection; indications as to the correlation of dimensions of the elements; indications as to parameters characterizing temperature, time limits, electrical and other régimes employed.

By essential features are understood those in the absence of which the invention cannot be carried out, which reflect the basic nature of the invention, and which, taken in the aggregate, are not identical with those features characterizing known solutions of the same problem.

In drafting the invention formula, the following inter alia shall be borne in mind:

- the purpose of the invention may not constitute one of its distinctive features;
- the distinctive features shall not be reflected in the title of the invention.

It shall be remembered also that under a single-claim formula the scope of the invention and thereby the limits of the inventor's rights are determined by the totality of all the features mentioned therein, whether known or new.

In the multi-claim formula, the above shall apply to the first claim, which has an independent legal significance, the other claims being dependent on the first and having no autonomous legal value, that is to say, each of them has value only when combined with the preceding (and consequently also with the first) claim on which it depends.

In the invention formula, references (in brackets) to numerals denoting elements (parts, assemblies, etc.) depicted in the drawings attached to the description shall be permitted.

28. A single-claim formula and each claim of a multi-claim formula shall be expressed in one sentence consisting of two parts — limiting and distinguishing — separated by the words "distinguished by."

The limiting part of the formula (in the case of a multi-claim formula, its first claim) shall begin with the title of the invention, repeating word for word the title mentioned in the description and the request, and followed by a statement of the features of the invention which are already known and which shall be the same as those of the prototype.

The distinguishing part of the formula shall begin with the words "distinguished by," followed by a statement of the purpose of the invention and thereafter an indication of the new (distinctive) features, that is to say, those features which have been created to achieve the purpose set forth.

To enable the formula to be more easily read, the statement of the purpose may, in certain cases, be placed at the end of the formula (after the distinguishing features).

29. In drafting the invention formula of a device, the design or diagrammatic features shall be mentioned, that is to say, the introduction of new parts or assemblies, new combinations, new arrangements, a new form of interaction, or a new configuration of known parts or assemblies.

Example 1. A threshing device incorporating a revolving drum and a latticed deck placed beneath it, *distinguished by* the fact that, in order to facilitate the separation of threshed grain through the latticed deck, the latter is suspended on hinges fixed to the shaft of the drum and connected to the vibrator, causing it to oscillate transversely to the shaft of the drum.

2. A device as claimed in claim 1, *distinguished by* the fact that, in order to limit the amplitude of oscillation, the latticed deck is spring-held in the direction of oscillation.

3. A device as claimed in claim 1, *distinguished by* the fact that the vibrator is fixed immovably on to the latticed deck.

In drafting the invention formula of a method (process), technological features shall be described — application of new operations or steps; new sequences of known operations or steps; new temperature, electrical, timing or other régimes; use, for such process, of new materials, tools and appliances.

Example 1. A process of continuous production of H-butanol by hydrogenating crotonic aldehyde at an elevated temperature in the presence of a copper catalyst, *distinguished by* the fact that, in order to increase the output of the product and reduce the operational temperature of the process, ethyl alcohol and oil aldehyde are added to crotonic aldehyde, the mixture thus obtained is evaporated and the vapors together with the hydrogen are passed over the catalyst of copper oxide on silica gel.

2. A process as claimed in claim 1, *distinguished by* the fact that the oil aldehyde is introduced into the mixture of crotonic aldehyde and ethyl alcohol up to a concentration of 18 to 49 percent of the weight of the resulting mixture.

3. A process as claimed in claims 1 and 2, *distinguished by* the fact that hydrogen is added to vapors of the mixture of crotonic aldehyde, ethyl alcohol, and oil aldehyde, up to a quantity of 0.3 to 0.7 litre/hour per litre of mixture.

4. A process as claimed in claims 1 to 3, *distinguished by* the fact that vapors of the mixture of crotonic aldehyde, ethyl alcohol, and oil aldehyde, are passed over the catalyst at a volumetric speed of 0.5 to 1.5 litre/hour per litre of catalyst.

In drafting the invention formula of a substance, the names of ingredients or the new ratio thereof shall be specified.

Example: a silicate enamel based on silica, boric anhydride, aluminium trioxide, titanium dioxide, lead oxide, zinc oxide, and sodium oxide, *distinguished by* the fact that, in order to increase its chemical stability and reduce refractoriness, the above-mentioned ingredients are used in the following proportions (in percentages by weight): silica dioxide SiO_2 - 34 to 35; boric anhydride B_2O_3 - 7.8 to 8.5; aluminium trioxide Al_2O_3 - 4.2 to 4.5; titanium dioxide TiO_2 - 9 to 9.5; lead oxide PbO - 34.8 to 35.2; zinc oxide ZnO - 5.7 to 5.9; sodium oxide Na_2O - 1.6 to 1.8, and an additional ingredient, namely, lithium oxide Li_2O in the proportion of 1.7 to 1.8% of the total weight of the said ingredients.

30. An author filing his application independently of any enterprise (organization) shall specify, after the invention formula, where and in what industries (enterprises or organizations) it is expedient to use the invention and what enterprises (organizations) are in a position to comment on its usefulness.

31. The precise and complete description of an invention may not be replaced in any part by a reference to a description of that part in any other document (for example, in an application filed earlier, in a patent specification or a description for a certificate of authorship already issued, or any other literature).

However, the complete description of an invention must be accompanied by a reference to the source (sources) where the known features of the invention are described.

32. The furnishing of clear and distinct drawings or diagrams does not relieve an applicant of the obligation of making a full textual description.

33. Names of parts, assemblies, methods, and ingredients, in the description of an invention shall correspond to those adopted in scientific and technical literature. Expressions used in the description shall be those commonly used by and familiar to persons skilled in the art. Slang expressions not adopted in the said literature shall not be permitted.

34. Names of parts, assemblies, methods, and ingredients, shall be the same in all parts of the description, that is to say, throughout the description and the invention formula there must be uniformity of terminology.

35. Drawings or diagrams shall not be permitted in the text or in the margins. In the description itself, only chemical, mathematical or similar formulae, if they are necessary for understanding the invention, shall be permitted. All the letters contained in mathematical formulae shall be explained.

36. Units of measure shall be in accordance with the State All-Union Standards (GOST). Preferably they should be in accordance with the international system of units (GOST 9867-61).

37. Abbreviations, except for those generally accepted: "i. e.," "etc.," "et al.," "and the like," shall not be permitted in the description.

38. Symbolic designations of grades, types, or series of articles or substances in the description shall not be permitted.

39. The description shall be typewritten on one side only of sheets of smooth white paper measuring 21×29 cm. A space of 0.5 to 0.7 cm. shall be left between lines. A margin of 3 to 4 cm. shall be left on the left-hand side of each page. The pages of the description must be numbered from first to last inclusive.

40. For the purpose of the Committee, a space of 8 to 9 cm. shall be left blank at the top of the first page. Then, after the blank space at the top of the first page, there shall be stated the name of the applying enterprise (organization) or, if the application is filed by the true authors of the invention in their own names, the surname, first name and patronymic of each of the authors.

Note: Special enterprises (organizations) shall give only such information as is allowed for non-secret correspondence.

41. The description shall be written without erasures or amendments.

V. Requirements in Respect of Drawings

42. Drawings submitted together with the description of an invention shall be in strict conformity with the text of the description and shall give a clear picture of the invention.

43. The drawings shall show the subject of the invention in the planar projection (in different planes of delineation, views, sections).

They shall be executed to a linear scale, in accordance with the rules for preparing technical drawings.

A drawing may contain one or more figures. It may be executed on one or more sheets.

44. The drawings shall be executed in Indian ink or any durable black ink on tracing paper or on strong smooth white paper of good quality. The second and third copies of the drawings shall be in the form of photocopies or copies prepared by electrostatic processes, on a white background. The size of the sheets shall be 29.7×21 cm. Margins of 2.5 cm. shall be left on all sides of the sheet.

45. Figures of a drawing shall be arranged in such a way that the drawing may be read when the sheet is vertical, that is, the short sides of the sheet being at the top and bottom of the drawing. The arrangement of figures of a drawing lengthwise, that is, along the longer side of the sheet, shall be permitted only as an exception.

46. Drawings shall be executed in durable, black, uniformly thick lines and strokes without colors or color washes.

47. Cross-sections shall be indicated by oblique hatching with a space between hatches of not less than 2 mm. For reference letters in drawings, the Latin alphabet shall be used, and for lettering angles, the Greek alphabet.

48. The scale of the drawings shall enable them to be read without difficulty and permit photographic reproduction with a linear reduction in size to two-thirds, in such a way that all the details and reference numerals may be clearly distinguished.

49. The quantity of drawings shall be sufficient to clarify the substance of the proposal which is the subject of the application.

50. One of the figures shall present a general view of the device, or of the part or of an assembly thereof, which is the subject of the invention.

Separate projections of parts or assemblies of the device may be shown in the same or separate drawings.

The figures of the drawing shall be arranged in such a way as to avoid waste of space, and shall be clearly separated from one another.

51. A device may, if necessary, be represented in a drawing by means of an axonometric projection.

52. Electrical and radio-technical devices which are the subject of applications shall be explained by basic (block) diagrams and the elements thereof shall be designated, with a view to facilitating their understanding by the examiner, according to GOST. In the block diagrams, representations of the elements thereof (for instance, a rectangle) shall contain inside, besides their reference numerals, their functional designations, such as "generator," "amplifier," "memory," and the like.

53. All figures shall be numbered continuously, from the first to the last, in Arabic numerals. Numbering of figures separately for each sheet of drawings shall not be permitted.

54. Parts and assemblies depicted in the drawings shall be denoted by the same numerals as in the description. One and the same part or assembly in several drawings shall be denoted by the same numeral. Additional designations, numerical and otherwise, not mentioned in the text of the description shall not be permitted in the drawings.

55. The drawings shall bear no inscriptions, explanatory matter, or the like.

All data used to clarify the drawings must appear in the text of the description.

In order to facilitate the understanding of the drawings, an exception may be made only in respect of such terms as "water," "steam," "open," "closed," "section on A-A," and the like.

56. Numerals referring to parts and assemblies or letters referring to cross-sections and planes shall be placed outside the representation of the item referred to and shall be connected to the relevant parts by finer lines than those of the drawing. If a reference letter or numeral has to be put in a hatched part of the drawing, a blank space shall be left for that purpose in the hatching.

Reference numerals and letters shall be clear and distinct. The thickness of the lines of the numerals and letters shall correspond to that of the lines of the drawing, the size of numerals and letters being not less than 5 mm.

Reference numerals and letters shall not be put in circles, brackets, inverted commas, etc.

Note: The rule concerning the size and thickness of letters and numerals does not apply to inscriptions and signatures in the margins of the drawings. These inscriptions and signatures should simply be readable.

57. Dimensions shall not be marked on the drawings. If they are essential, they shall be given in the description.

58. Drawings shall be free from corrections, erasures or alterations which are detrimental to the distinctness of the lines and make the drawings impossible to photocopy.

59. Drawings shall be free from folds, creases or cracks. When mailed, drawings shall be so packed that they cannot be damaged. The sheets of the drawings shall be easily separable from one another.

60. In the top right-hand corner of the drawing, there shall be a short title of the invention and, in the bottom right-hand corner, the date and signatures of the applicant and the true author (authors) of the invention.

61. The submission of working drawings shall not be permitted.

VI. Models and Samples

62. Models and samples characterizing an invention shall be submitted only at the request of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

Models may be required in order to prove certain advantages of an invention.

Samples may be required for the purposes of examination when an invention relates to the composition of substances.

63. Each model or sample shall bear a stick-on label or a tag indicating the application to which it relates.

64. Models and samples which may be easily damaged shall be strongly packed.

65. Models and samples may, at the request of the applicant, be returned when they are no longer needed for the purposes of examination.

VII. Additional Requirements

66. If the applicant considers it necessary to complement or amend a description or drawings accepted for examination by the Committee without changing the substance of the application, such complementary material or amendments may be submitted in triplicate, each copy being signed by the applicant (or applicants), within a period of one month from the date of accepting the application for examination. In cases where the applicant is an enterprise (organization), the complementary material shall be signed by a representative of the enterprise (organization) and by the author (all the authors). When filing such complementary material or amendments, reference shall be made to the number under which the complemented or amended application has been registered with the Committee.

67. Complementary material which changes the substance of the earlier filed application shall be filed by the author as an independent application.

ITALY

Decrees

Concerning the Temporary Protection of Industrial Property Rights at Seven Exhibitions

(of March 20, 24 and 29, and April 4 and 15, 1969)¹

Single Article

Industrial inventions, utility models, designs and trade-marks relating to objects appearing at the following exhibitions:

VI^a MACEF — *Mostra mercato internazionale degli articoli casalinghi, cristallerie, ceramiche, ferramente, utensilerie* (Milan, September 5 to 9, 1969);

VI^o SMAU — *Salone internazionale macchine attrezzature ufficio* (Milan, September 20 to 28, 1969);

XIV^a Mostra internazionale del tessile, fibre naturali, artificiali e sintetiche, chimica, macchine ed apparecchiature tessili (Busto Arsizio, September 20 to 29, 1969);

I PACK-INA 69 — *Mostra internazionale imballaggio e confezionamento, trasporti industriali interni, macchine per l'industria alimentare* (Milan, October 4 to 10, 1969);

GEC 69 — *II^o Congresso e mostra internazionale grafica editoriale e cartaria* (Milan, October 4 to 12, 1969);

IV^a Fiera internazionale delle comunicazioni — INTER-COM — *III^o Salone internazionale del container* (Genoa, October 18 to 26, 1969);

LI^o Salone internazionale dell'automobile (Turin, October 29 to November 9, 1969)

shall enjoy the temporary protection provided by Laws No. 1127 of June 29, 1939², No. 1411 of August 25, 1940³, No. 929 of June 21, 1942⁴, and No. 514 of July 1, 1959⁵.

¹ Official communication from the Italian Administration.

² See *La Propriété industrielle*, 1939, p. 124; 1940, p. 84.

³ *Ibid.*, 1940, p. 196.

⁴ *Ibid.*, 1942, p. 168.

⁵ *Ibid.*, 1960, p. 23.

LETTERS FROM CORRESPONDENTS

Letter from France *

By Paul MATHÉLY, Barrister at the Paris Court of Appeal

Part I

Patents

On January 1, 1969, the new patent system instituted by the Law of January 2, 1968, came into operation.

The previous case law will, however, be maintained on quite a number of points.

The principles on which that case law has been based in the past three years have remained constant, but some of the cases dealt with merit attention.

Patentable Inventions

1. A judgment of the Paris Court of Appeal dated February 25, 1965, approved by the Supreme Court's decision of July 17, 1967, not to review it (*Annales de la propriété industrielle*, 1968, page 15, and the note by B. de Passemar), ruled on the validity of a product patent.

A hair-remover, consisting of strontium thiolactate, had been patented as a new industrial product.

Prior art invoked against the patent had revealed first of all that there was a whole category of substances — to which the product of the invention could be considered to belong — which were used, generally, as hair-removers. It was then demonstrated, by way of example, that certain other compounds also belonging to the general category described but differing from the patented product were used as hair-removers, namely, calcium thiolactate and strontium thioglycolate.

The prior art was rejected on the following grounds.

In the first place, the Court considered that the prior art was not relevant in so far as it merely disclosed the general method, that is, the use of a whole category of substances. It was held that the invention of a specific product having properties peculiar to it was not anticipated by the disclosure of an entire category of theoretically possible substances that were considered *in globo* and that could be considered to include the product of the invention, for not all of the substances in that category possessed the desired properties. The discovery of the patented product constituted a proper invention, regardless of the fact that this discovery was facilitated by the prior art.

Secondly, the Court rejected the prior art's disclosure, by way of example, of specific compounds. The defendant had argued that, since calcium thiolactate (non-toxic, but ineffective) and strontium thioglycolate (effective, but toxic) were known, there was no invention in producing strontium thiolactate (effective and non-toxic). The Court quite rightly refused to accept this reasoning. The judgment states that a

compound which has not yet been produced and disclosed *per se* is a new product, and that this new product is patentable so long as it possesses qualities peculiar to it.

2. It is known that under French law "a new application of known means" is patentable: an application of a means is its employment with a view to achieving a specific result; effecting a new application of a known means is employing that means in such a way as to produce a result that is different although not necessarily new, in other words, a result that it has never produced before.

The Supreme Court has just delivered a judgment on an interesting case involving a new application of known means (judgment of February 28, 1968, and the note by G. Gaultier, *Ann. prop. ind.*, 1968, page 26).

The case concerned a patent that related to a cosmetic for producing an artificial suntan. The active agent of this cosmetic was a compound called oxantine, which was already known as a sugar-reducing agent and was used as a remedy for diabetes. It was known that oxantine reacted with the amino acids of the skin to produce non-water-soluble brown pigment, and it had been observed that when a patient drank an oxantine solution, brown spots appeared on his lips.

The Paris Court of Appeal, in a judgment of June 26, 1965, had upheld the validity of the patent as covering a new application: the reasoning of the Court was that oxantine had never before been applied to a cosmetic and that, although its function of reacting with the amino acids of the skin to produce brown pigment was not in any way altered, its application to cosmetics nevertheless led to a result that had not been achieved hitherto, namely, the creation of a product that can be used to acquire an artificial suntan.

The Supreme Court quashed this decision, however, contending that oxantine as such was known with respect to its applications and its effects and that its use as a cosmetic could not be considered a patentable new application of known means.

This is where the judgment of the Supreme Court unquestionably breaks away from certain earlier decisions.

In point of fact, even though oxantine itself and its properties were known, its application to cosmetics was not known. Mixing it into cosmetic preparations was indeed a new way of employing it and resulted in the creation of a product that caused skin to tan artificially, a result that had never before been obtained.

One might wonder whether this decision of the Supreme Court's does not mean that higher standards will henceforth be used by the courts in judging the patentability of new applications of known means.

3. A new combination of means is patentable, but on condition that the means joined together or assembled cooperate to produce an industrial result. Where the means combined together operate independently of one another in carrying out their functions, they merely constitute an unpatentable aggregation.

Moreover, for the combination to be protected, it must be described. Hence, the patent must not present the means as being independent, but must indicate that they are intend-

* BIRPI translation.

ed to cooperate with one another. The patent need not explain this cooperation or define the result it produces, however.

A judgment of the Supreme Court, dated November 29, 1967 (*Ann. prop. ind.*, 1968, page 47), points to these principles once more.

4. There is a basic rule which says that an invention, to be patentable, must produce an industrial result. In other words, the means constituting the invention must produce a primary effect which has a place in industry, that is, a technical effect.

There is also a well-established rule which says that, although the invention must produce an industrial result, the existence of such a result is all that is required.

The consequences of this rule are twofold:

- (i) it is immaterial whether the industrial result represents progress or not and whether it is important or trivial;
- (ii) the result does not have to be perfect; the invention may be no more than a step toward the solution of a problem, but it is nevertheless acceptable for what it does offer and cannot be invalidated by the fact that improvements or additions are necessary.

Thus, it was ruled that an invention relating to the addition of butynediol as a brilliancy agent to a nickel-depositing electrolytic bath met the requirement of producing a sufficient industrial result, since the addition did produce a certain brilliancy despite spots and pits that made the invention difficult to put into practice (Paris Court of Appeal, June 30, 1967, *Ann. prop. ind.*, 1967, page 249).

Patentability was likewise recognized in the case of a device which could be used to prevent the so-called "racing" phenomenon in electric watches having direct drive, but which was incapable of preventing another phenomenon termed "reversal." Although the device did not produce the highly desirable technical effect of avoiding reversal — without which the watch cannot function properly in practice — there was no denying that it did produce a technical effect: the prevention of racing (*Tribunal de grande instance* of the Seine, July 8, 1965, without appeal, *Ann. prop. ind.*, 1967, page 258).

5. There is a time-honored rule according to which an invention must be new in order to be patentable.

There are two decisions that should be pointed out in connection with this rule.

(a) Article 31 of the Patent Law of July 5, 1844, provides that an invention will be deemed to lack novelty in the following two instances:

- (i) where it has already received such publicity that it can be carried out;
- (ii) where it has been described in an earlier French patent, whether published or not.

Jurists have wondered whether the Law really intended to assimilate the description of an invention in an unpublished patent to prior publicity. It has sometimes been argued that Article 31 of the Law should be interpreted to mean that an earlier patent that has not yet been published can be invoked only in respect of the invention it protects, not in respect of everything described in it.

In actual fact, there are two different concepts involved here — firstly, that an invention lacking novelty is not patentable and, secondly, that the same invention cannot be patented twice — and the two cannot be made to follow the same rule. A prior publication invoked against an invention must be considered to disclose everything it contains. On the other hand, an unpublished earlier patent, invoked solely to avoid double patenting, can be considered only from the standpoint of the elements constituting the invention it covers. Assimilation of an unpublished patent to a publication already in existence overshoots the mark and results in giving prior-art value to something that is not prior art.

The Supreme Court nevertheless rejected this line of reasoning in its judgment of March 2, 1965 (*Ann. prop. ind.*, 1966, page 1, and the note by P. Mathély).

Keeping to the letter of Article 31, which places prior publicity and description in an unpublished French patent application on an equal footing, the Court held that the Law makes no distinction between the two cases it lists as lacking novelty.

It should be pointed out that the provision permitting an earlier patent to be invoked even if unpublished pertains to French patents only and does not apply to foreign patents (Supreme Court, May 24, 1966, *Ann. prop. ind.*, 1966, page 110).

The new Law of January 2, 1968, does not include any such provision, but Article 31 of the former Law of 1844 will continue to affect all patents applied for before the new Law came into operation. This is why the Supreme Court's judgment cited above is of interest.

(b) It is well established that the prior art, to prevail over the presumed novelty of a patented invention, must anticipate it wholly and completely. In other words, the prior art must disclose — and disclose adequately — all of the elements of the invention. It must thus reveal not only the form of the means constituting the invention but also their application as provided for in the patent.

Since means are applied with a view to achieving a result, is it necessary for the prior art to state both the modes of application and the result to be achieved?

A judgment of the Paris Court of Appeal dated January 28, 1966, and another judgment of the Supreme Court dated January 30, 1968, (*Ann. prop. ind.*, 1968, page 35), answer this question by stating that it suffices for the prior art to disclose the modes of application. The results need not be mentioned on condition that the means, when applied in the manner taught by the prior art, necessarily produce the results in question.

It is clear that, if this condition is fulfilled, the prior art has disclosed the means both in regard to their application and in regard to the result such application is bound to produce. This would not be the case, however, if the result remained *in posse* and the prior art did not demonstrate that it had been achieved and used.

6. What is the exact scope, before a French judge, of the novelty report issued by the International Patent Institute at The Hague?

This is a question that was answered in a judgment dated January 29, 1965, of the Paris Court of Appeal (*Ann. prop. ind.*, 1966, page 19) which declared that the novelty report merely cited documents which might possibly be invoked as prior art but that the report took no position regarding the validity of the patent and had no effect on that validity.

The judgment added that the production of a novelty report established no presumption of lack of novelty obliging the patentee to prove that the novelty of the invention was not destroyed by the prior art cited.

Thus, the judiciary alone is competent to judge whether or not a patent is valid, and the onus of proof lies solely with the party attacking the patent who must prove its lack of novelty.

Description of the Patented Invention

1. How should the invention be described in the patent?

A judgment of the Paris Court of Appeal dated January 4, 1966, approved by the Supreme Court's decision of October 30, 1967, not to review it (*Ann. prop. ind.*, 1966, page 121, and 1968, page 45), provides an interesting answer to this question.

The judgment stated that there were two possible ways to describe a product: either to describe the resulting product, with its characteristics and final structure, or to describe the means by which that product is obtained.

The judgment added that the second way seemed *a priori* to be the better of the two, for it was the one that would in all likelihood, offer a person skilled in the art greater assurance of success in producing the patented product.

2. For whom should the description be written?

Another judgment of the Paris Court of Appeal, dated June 21, 1966 (*Ann. prop. ind.*, 1966, page 126), answers this question in an interesting manner.

A patent, says the judgment, is not a popular treatise intended for the enlightenment of a layman having no technical background; to be valid, it suffices for the patent to give whatever information a person skilled in the art requires in order to be able to perform the invention in the light of the available technical knowledge he is supposed to possess.

3. A further judgment of the Paris Court of Appeal dated December 6, 1967 (*Ann. prop. ind.*, 1968, page 66), gives an excellent definition of the role of the drawings accompanying the description in a patent.

(a) First of all, no lacuna in the descriptive matter can be remedied by drawings.

In other words, an element of the invention is covered by the patent only if it is described; if it is merely drawn, it will not be protected. The rule on this matter is quite categorical.

It is, in fact, essential that the subject matter of the invention be well described; this is both in the interest of the patentee as regards the exercise of his exclusive right, and in the interest of third parties who, for their own security, need to know exactly what the limits of the patentee's exclusive rights are. Now, there is only one way to set forth the exact subject matter of the invention and that is to describe it in words. Figurative expression is always ambiguous and unreliable and especially so here, as drawings in patents are merely diagrammatic.

(b) What, then, is the role of the drawings?

The law says that they serve to facilitate a proper understanding of the description.

Court decisions have sometimes said that they complete the description.

They complete it in the sense that, according to the letter of the law, they make it understandable.

One might even go so far as to say that the drawings may teach modes of carrying out the invention which are secondary and do not represent the essence of the invention. This is what is stated in the judgment.

(c) But there are cases where the invention consists of a shape that cannot be described in words and that can only be drawn.

In such cases, the real description of the invention is given by the drawing, but on one condition: the description must explicitly refer to the drawing and specify that the shape drawn constitutes the invention. The drawing then becomes an integral part of the description itself.

This is precisely what the cited judgment says.

Priority under the Union

1. A judgment of the Paris Court of Appeal of January 4, 1966 (*Ann. prop. ind.*, 1966, page 121), ruled on the question which law applies in determining the pertinence of a priority document from a country of the Union.

The judgment drew a distinction between form and substance.

As regards form, the judgment declared that the regularity of a priority document should be considered in the light of the law of the place where the earlier application was filed. This is in line with Article 4 of the Paris Convention: the regular filing of an earlier application in one of the countries of the Union gives rise to a right of priority; the regularity of this filing thus depends on the law of that country.

As regards substance, however, the judgment said that the priority document must be considered in the light of the law of the place where the corresponding patent is applied for. This is in conformity with the nature of priority under the Union. Such priority is, in fact, an accessory of the corresponding patent, the validity of which it supports.

2. The Montpellier Court of Appeal settled a case involving two French patents: the first one had been applied for with a claim to the priority of a British provisional specification and the second one with a claim to the priority of that same provisional specification and the complete specification that followed it (judgment of December 20, 1966, *Ann. prop. ind.*, 1967, page 7).

The Court ruled that the second French patent could not benefit from the priority of the provisional specification in view of the fact that it had already been claimed by the patent applied for first, and that, since the second patent's claim to priority was therefore invalid, the said patent could not be invoked against the first one under Article 31 of the Law of 1844.

3. In a judgment of the Paris Court of Appeal dated January 10, 1967 (*Ann. prop. ind.*, 1967, page 23), the general doctrine regarding circumstances beyond control [*force*

majeure] is undoubtedly applied for the first time to the procedure for patent grant and, in particular, to compliance with the formalities required in order to obtain the benefit of a priority right.

It is a matter of general principle in French law that an obligation, no matter what it is, will be suspended if circumstances beyond control prevent it from being carried out, that is, circumstances which the person under obligation can do nothing about and which are both unforeseeable and insuperable.

The judgment declares that basically, in the absence of special grounds, there is no reason why this principle should not also apply to the forfeiture of priority right, as prescribed in Article 6^{bis} of the Law of 1844 in the event that the required documents are not submitted in time.

The case concerned a Swiss national who when filing an application for a French patent had claimed, under the Neuchâtel Agreement, the priority of an earlier German application but had not produced the copy of that earlier application until after the expiration of the prescribed time limits. Because he showed evidence that he had been unable to obtain the required copy from the German authorities any earlier, a circumstance over which he had no control, it was conceded that he had not forfeited his priority right.

Ownership of the Patent

An engineer, who was the head of a research department, had signed an employment contract stipulating that inventions made by him within the enterprise's field of activity would belong to his employer.

As he felt that one of his inventions was quite exceptional, the engineer demanded additional remuneration from his employer.

In a judgment dated December 20, 1966 (*Ann. prop. ind.*, 1967, page 33), the Paris Court of Appeal rejected his demand on the following grounds:

(i) the engineer could not plead the employer's contractual liability, for his demand ran counter to a contractual stipulation that was lawful because it was restricted both to a specific kind of research and to a specific period of time;

(ii) the engineer could not plead his employer's quasi-delictual liability, since the alleged fault could not be separated from the contract;

(iii) lastly, the engineer could not base his complaint on undue profit, as this effect was only subsidiary and could not be invoked in order to obtain what was prohibited by contract.

Forfeiture of Patents for Non-working

Attention should be drawn to a judgment delivered by the combined chambers of the Supreme Court on November 16, 1966, as it represents an important development in the history of Union law (*Ann. prop. ind.*, 1967, page 117, and the note by Professor Albert Chavanne).

The question was whether Article 5(4) of the Paris Convention, as revised by the London Act of June 2, 1934, had done away with the sanction in France of forfeiture of patents for non-working, a sanction still prescribed by the French Law in force at the time when the facts of the case took place.

The interpretation given by the Supreme Court to Article 5 of the Convention is literal and in conformity with the intent of the drafters. In the opinion of the Court, Article 5 provided that the sanction of forfeiture no longer had any more than a subsidiary character and could henceforth be pronounced only in the event that a previously granted compulsory license should turn out to be inadequate. The Court held that this was so even if the national law, as was the case in France at the time, had not instituted a system of compulsory licenses.

The Supreme Court thus quashed, on the ground of violation of the provisions of Article 5(4) of the Paris Convention, a judgment of the Bordeaux Court of Appeal which had pronounced the forfeiture, for non-working, of a patent issued in 1940 even though there had been no possible way to obtain a compulsory license in respect of the patent in question.

This is a remarkable example of implicit repeal of domestic legislation through the contrary provisions of a treaty: Union law prevailed over domestic law, even though under domestic law no special provisions had been laid down for the implementation of that Union law.

Compulsory Licenses

It was by a Decree-Law of September 30, 1953, that a system of compulsory licenses was introduced into French law.

Since that time, three judicial decisions have been delivered on the subject. The last two of these decisions are a judgment, without appeal, of the *Tribunal de grande instance* of the Seine dated January 24, 1963, and a judgment of the Paris Court of Appeal dated April 3, 1965 (*Ann. prop. ind.*, 1967, page 122, and the note by P. Combeau).

1. The judgment of January 24, 1963, made the following points:

(a) The only thing that can affect the admissibility of an application for a compulsory license is the fact that working was commenced before the expiration of the three-year period following the issuance of the patent.

This gives an unfavorable interpretation to the text of the law. In point of fact, where the patent is being worked — even if this working began after the expiration of the legal time limit — there is no longer any justification for the grant of a compulsory license.

Today, this question has lost its pertinence. To avoid any ambiguity, the new Law of January 2, 1968, now in force, expressly provides that an application for a compulsory license is admissible only if the patent has not been worked for more than three years at the date of such application.

(b) The term "working" must be understood to mean manufacturing in the territory of France and not the sale of imported articles.

The fact that articles sold in France have been manufactured by the patentee in the territory of another country of the European Economic Community is of no consequence as far as the admissibility of the application for a compulsory license is concerned.

(c) The fact of having infringed a patent does not deprive the infringer of the right to apply for a compulsory license.

2. A judgment of the Paris Court of Appeal dated April 3, 1965, settled a question of procedure.

The law provides that the applicant for a compulsory license must show evidence of the fact that he was unable to obtain a license for exploitation privately.

The Court felt that only the existence, and failure, of actual negotiations with the patentee permitted the applicant for a compulsory license to claim that he had been unable to obtain, privately, an ordinary license from the patentee under reasonable terms and conditions.

As a result, a person desiring a compulsory license must, before submitting his application, open sincere and genuine negotiations with the patentee and may not petition the Court until after he has seen that these negotiations have failed.

The Moral Right of the Inventor

The patentee has a moral right to defend his invention and the patent recording it, by reason of the prestige associated with being an inventor and the renown it may bring to him.

This moral right is independent of the privative and material rights granted by the patent.

Hence, in a judgment of June 11, 1964 (*Ann. prop. ind.*, 1966, page 5), the Paris Court of Appeal ruled that a patentee who had been declared bankrupt and therefore deprived of the economic rights in his patent was allowed to take part personally in an action for infringement of his patent, taken over by the public assignee, so as to defend his title of and his position as inventor.

Patent Infringement

1. It is known that the law represses, in addition to the manufacture of an infringing article, its display for sales purposes as well as its introduction into France, these acts likewise being considered infringement.

In two rulings, the *Tribunal de grande instance* of Paris gave these offenses definitions that merit our attention (judgments of November 8, 1966, and March 6, 1967, without appeal, *Ann. prop. ind.*, 1967, pages 43 and 273).

(a) The first of these judgments points out a distinction that should be made between introducing an article into France and displaying it for sales purposes.

Where a machine manufactured abroad and infringing a French patent is temporarily imported into France and shown at an exhibition held in a bonded warehouse, the infringing article may perhaps not actually have been introduced into France, but it has nevertheless been displayed for sales purposes.

The very object of exhibiting the machine in question had, in fact, been to attract customers with an eye to subsequent sales; it was of little consequence that the rules of the exhibition prohibited immediate sales, since visitors could take down the name of the exhibitor and place orders later on; the fact that the exhibition was held in a bonded warehouse did not give it extra-territoriality.

(b) The second judgment ruled that the introduction into France of an infringing article is a material fact and can be committed by persons having no property rights in that article.

A French importer who purchases an infringing machine direct from a foreign manufacturer and has it shipped to France at his own expense and risk is guilty of introducing it into France.

Moreover, the foreign manufacturer who packages the machine and ships it on behalf of the importer, and who is therefore aware of its destination, is also a party to the offense of introducing the machine into France.

The importer and the foreign manufacturer are therefore both guilty of introducing an infringing article into France.

2. The question whether seizure can be effected and infringement proceedings instituted prior to the actual issuance of the patent has, as is known, given rise to some debate.

The Supreme Court, upholding a judgment of the Paris Court of Appeal dated May 31, 1963, ruled on March 23, 1966 (*Ann. prop. ind.*, 1966, page 114), that even before the patent is issued — but after the official copy of the application has been duly notified — seizure with a view to bringing an action for infringement [*saisie-contrefaçon*] may be effected and that, in consequence, the suit may be filed.

In making this ruling, the Court bore in mind the necessity of giving the new provision of Article 46^{bis} of the Law its full effective scope.

Thus, the question is now settled.

3. A judgment of the Paris Court of Appeal, of June 11, 1965 (*Ann. prop. ind.*, 1966, page 25), resolved a jurisdictional question regarding an infringement action brought against a French seller of allegedly infringing articles and an Italian manufacturer who had imported the articles into France.

The action had been brought before the French court of the seller's domicile, under Article 59 of the Code on Civil Procedure.

The Paris Court of Appeal ruled that the district court called upon to hear the case was indeed competent.

The Italian defendant could not rely on the Franco-Italian Convention of June 3, 1930, to support his claim that he could only be tried by the Italian judge competent in the district of his domicile; for Article 11 of that Convention provides that, where there are two or more defendants, the plaintiff has the choice of bringing his action before the courts of one or another of the countries in which one of the defendants has his domicile.

4. Under French law, a French defendant may oblige a foreign plaintiff to put up *judicatum solvi* security, intended to guarantee payment of the expenses he will have to incur for his defense and any damages and interests he may possibly claim in the event of abuse of process. According to established case law, this security need only guarantee compensation for injury resulting direct from abuse of process, not for injury caused by a tort extraneous to the suit.

Applying these principles to patent infringement, the Paris Court of Appeal, in a judgment of October 31, 1967 (*Ann. prop. ind.*, 1968, page 91), decided that the *judicatum*

solvi security was not intended to guarantee injury that might result from the fraudulent use of manufacturing secrets discovered on the occasion of a *saisie-contrefaçon*.

5. The liquidation of damages in infringement cases always causes great difficulty.

Two decisions, a judgment delivered by the Paris Court of Appeal on November 30, 1967, and a judgment, without appeal, delivered by the *Tribunal de grande instance* of the Seine on March 7, 1966 (*Ann. prop. ind.*, 1968, page 77, and the note by P. Mathély), have made an interesting contribution to the solution of this problem.

(a) These two decisions refer to the principle that the damages to be paid for patent infringement are, like all other compensation for quasi delicts, determined according to the rules laid down in Article 1,382 of the Civil Code. This means that a patentee who is a victim of infringement may obtain compensation for the injury he has actually suffered and which is directly and necessarily ascribable to the infringement, but nothing more.

The injury is normally composed of the following: earnings lost by the patentee as a result of the infringement; the disturbance of his monopoly brought about by the infringement; lastly, the costs of investigation and of defending his interests.

(b) The Paris Court of Appeal ruled that, where the patentee himself works the invention covered by the patent and the infringement has disturbed his industrial monopoly (and not only his legal monopoly), the damages to be paid to him cannot be calculated on the basis of a license offer he might have made; they must be established on the basis of the net profit earned by the infringer, but taking certain corrective factors into account which, in the case dealt with, were as follows:

(i) an addition had to be made to the infringer's profit in view of the fact that he sold at prices substantially lower than those of the patentee, but the possible influence of market conditions on his lowering of prices also had to be borne in mind;

(ii) a further sum had to be added to the infringer's profit in view of the fact that his cost prices were higher than the patentee's;

(iii) an amount had to be deducted from the infringer's profit, however, to take into account the fact that the litigious articles were only partially infringing, that they were known except for the improvement brought about by the patent, that the infringer had benefited from an extensive commercial set-up for quite some time and that, for these reasons, the patentee would certainly not himself have sold all of the infringing articles.

(c) The Court held that the patentee should be regarded as occupying the market when he has the patent worked by a licensee, and that the fact that the patent produces lower earnings is indeed prejudicial to the patentee since he must assure his licensee of the monopoly he has granted to him.

This solution is a subtle one, but the problem will no longer arise under the new Law, which expressly permits the licensee to take part, alongside the patentee, in infringement proceedings.

6. The action establishing non-infringement is unknown in French law.

In a judgment of July 8, 1966 (*Ann. prop. ind.*, 1967, page 49), the Paris Court of Appeal showed that this deficiency cannot be overcome by resorting to summary proceedings. The Court of Appeal held that the court which had heard the summary proceedings [*tribunal des référés*] was not competent to order, at the request of an importer of a machine threatened with an action for patent infringement, an expert's report for the purpose of determining whether the said machine was covered by the patent invoked. The judgment stated that the measure solicited involved no urgency and that the petitioner had no real, unquestionable interest in seeking an expert's report, since such a measure could not secure him against a possible action for infringement filed by the patentee.

The Protection of Know-how

Probably for one of the first times in French case law on industrial property, a judgment delivered by the Court of Appeal of Aix-en-Provence and upheld by a decision of the Supreme Court dated July 13, 1966, has dealt with what is usually designated by the English term "know-how," recently translated into French as "*savoir-faire technique*" in the Decree of January 27, 1967 (*Ann. prop. ind.*, 1967, page 225, and the note by P. Mathély).

(a) The judgments of the Court of Aix and the Supreme Court define know-how in the traditional manner: it is knowledge and experience acquired in order to put a technical process into practice.

In the first place, know-how may include a patentable, but unpatented, invention.

It may further include a manufacturing secret, in the sense of Article 418 of the Penal Code, that is, any means or method which serves a practical purpose in the operations of an enterprise and belongs, in secret, to one or more operators.

In actual fact, however, know-how proper should be distinguished from the unpatented invention or manufacturing secret. It includes any result of technical experience, even if the subject matter is neither new nor secret. It consists of all or part of the means collected, combined and perfected by an industrialist for a given manufacture: the installation and organization of a production unit, the choice and adaptation of materials, the selection of raw materials and suppliers, operating methods and practices, the training of specialized staff, control methods, and so forth.

It is this know-how proper that the mentioned judgments recognize and it is in this that they are of significance.

(b) What protection can be granted, then, to this know-how proper?

It is obvious that, in the absence of a legal system, know-how cannot be the subject of a real property right invocable against all and sundry: it is merely a negotiable asset.

There is, in fact, no doubt that know-how, for the person who has amassed it, is a work of the mind and constitutes an economic asset that is often of considerable value to that person. It is also unquestionable that, for third parties who

do not possess it and who need it, its value is equally as considerable. Know-how is therefore a kind of property, even if it is neither new nor secret. The value of this property is relative, however, in the sense that it exists only in the relationship between the person who possesses it and the person who wishes to acquire it.

This was the view adopted in the judgments mentioned, which ruled that the obligation to pay a fee subscribed to by a party to whom know-how had been transferred was based on legal grounds, since communication of the know-how had served the beneficiary, and that it was immaterial that the know-how lacked novelty or secrecy.

Such is the protection, limited but real, that the above judgments have granted to know-how.

Letter from the United States

(First Part)

Francis C. BROWNE

I. Supreme Court

A. Standard of Invention

For the first time in fifteen years, in 1965 the U. S. Supreme Court granted *certiorari* and reviewed decisions of several lower courts relating to the subject of the standards which are to be applied in determining what level of inventiveness must be reached for a patent to be valid. Although U. S. courts in recent years have applied stricter standards of inventive level than the Patent Office and have been declaring many litigated patents to be invalid, the Supreme Court, believing that too many patents were being issued for trivial devices which contributed no significant advance in the art, decided, as guardian of the public interest, to refocus its attention on this subject. In carrying out this objective, the Supreme Court granted *certiorari* in four different litigated cases and heard arguments late in 1965. The Court consolidated three of the cases into one opinion, in which it found the patents involved to be invalid, and treated the fourth in a separate opinion, in which it found the patent to be valid, in handing down two decisions on February 21, 1966.¹

As an indication of the Court's motives and reasons for hearing these cases, in an address to the New Jersey Patent Law Association in 1967, Mr. Justice Clark (who wrote both decisions) stated: "Our forefathers thought a patent system was of sufficient importance to write it into our fundamental law [U. S. Constitution]. That document includes no other reference of that type. We owe it to them as well as ourselves to make sure that what they started does not come to an unworthy end."

The action of the Supreme Court in reviewing the question of "standard of invention" was particularly significant because that portion of the U. S. Patent Act which defines the conditions of patentability had been amended in 1952 and a

new criterion for patentability had been added.² Subsequent to enactment of the new legislation, there had been a great deal of discussion in legal circles as to whether or not it was the intent of Congress that the new criterion of Section 103 should raise or lower the previously established levels of patentability that had been established in the case law by the courts.

In the two Supreme Court decisions of *Graham et al. v. John Deere Co.* and *United States v. Adams*, the Supreme Court discussed in some detail the following two major points with respect to the standards of invention which are required for patentability:

(1) The Constitution of the United States establishes a constitutional standard of patentability which the Congress of the United States cannot lower when passing any valid laws relating to patents.

(2) The statutory conditions of patentability are novelty, utility and "non-obviousness."

1. Constitutional standard of patentability

With respect to the requirement that any laws by the Congress must conform to the standard of patentability established by the Constitution, the Supreme Court points out that the grant of power to the Federal Government to issue patents stems from Article 1 of the United States Constitution which provides in part: "The Congress shall have Power. . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." The Court states that "this was both a grant and a limitation. . . . the Congress, in the exercise of the patent power, may not overreach the restraints imposed by the stated constitutional purpose. Nor may it enlarge the patent monopoly without regard to the innovation, advancement or social benefit gained thereby. Moreover, Congress may not authorize the issue of patents whose effects are to remove existent knowledge from the public domain or to restrict free access to materials already available. Innovation, advancement, and things which add to the sum of useful knowledge are inherent requisites in a patent system which by constitutional command must 'promote the Progress of. . . useful Arts.' This is the standard expressed in the Constitution and may not be ignored. And it is in this light that patent validity requires reference to a standard written into the Constitution."

In support of the concept of the constitutional "standard of patentability," the Court quoted extensively from documents relating to the philosophies of the framers of the Constitution with regard to patentability, and particularly the stated views of Thomas Jefferson. The Court noted: "He [Thomas Jefferson] rejected a natural rights theory in intellectual property rights and clearly recognized the social and economic rationale of the patent system. The patent mono-

¹ *Graham et al. v. John Deere Co. et al. etc.*, 383 U. S. 1, 86 S. Ct. 684 (1966) and *United States v. Adams*, 383 U. S. 39, 86 S. Ct. 708 (1966).

² The new Section 103 states: "A patent may not be obtained though the invention is not identically disclosed or described as set forth in Section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

poly was not designed to secure to the inventor his natural right to his discoveries. Rather, it was a reward, an inducement, to bring forth new knowledge. The grant of an exclusive right to an invention was the creation of society — at odds with the inherent free nature of disclosed ideas — and was not to be freely given. *Only inventions and discoveries which furthered human knowledge, and were new and useful, justified the special inducement of a limited private monopoly.*” (Author’s underlining.)

Therefore, the Supreme Court has indicated that, in the interpretation of any laws passed by the Congress in defining what shall constitute the level of a patentable invention, the courts cannot interpret the standard of a patentable invention as being anything less than that which promotes the progress of the useful arts and adds to the sum of useful knowledge already in existence.

2. Conditions of patentability: novelty, utility and non-obviousness

Of the three conditions enumerated by the Court as the statutory conditions for patentability, only the criterion of “non-obviousness” was an innovation in the Patent Act of 1952 (Section 103). The Court noted that this criterion complied entirely with the constitutional standard of patentability.

In their decisions, the justices noted that the requirements of novelty (the invention not having been previously known or used in the identical form) and utility (useful as a means to an end) generally offer no problems but that there has always been difficulty throughout the years with the doctrine of what was often described in such terms as the requirement for “invention,” “inventive level” or the “standard of invention.” This difficulty was indicated as being due to the generality of the terms “inventors” and “discoveries” in the Constitution and in laws implementing it, together with the underlying requirement of the patent system that “the things which are worth to the public the embarrassment of an exclusive patent must outweigh the restrictive effect of the limited patent monopoly.” The Court noted that it and other courts had used various terms for defining this elusive thing generally known as the “standard of invention” in which the use of “inventive faculties” or “inventive arts” were indicated as being required elements before the validity of a patent could be sustained.

The Court then concluded that this elusive something involving the “standard of invention” actually was that condition which it had previously and specifically followed for many years subsequent to the 1850 case of *Hotchkiss v. Greenwood*, 11 How. 248, in which it was stated that “unless more ingenuity and skill. . . were required than were possessed by an ordinary mechanic acquainted with the business, there was an absence of that degree of skill and ingenuity which constitute essential elements of every invention. In other words, the improvement is the work of a skilled mechanic, not that of the inventor.”

The Court’s decision noted that Congress, in Section 103 of the 1952 Patent Act, had, in effect, codified the test of non-obviousness which the Court had previously established by judicial interpretation in *Hotchkiss v. Greenwood* in 1850 and that this new standard was clearly intended not to change

the general level of patentability. The Court concluded that when this additional statutory requirement of non-obviousness is followed realistically, a better and more practical test of patentability would result. It was noted that, in making the test, several basic factual inquiries are to be made: “The scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill and the pertinent art resolved. Against this background, the obviousness or non-obviousness of the subject matter is determined. Such secondary considerations as commercial success, long-felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.”

One of the two patents treated in Mr. Justice Clark’s opinion in *Graham v. John Deere Co. of Kansas City, et al. etc., supra*, related to a chisel plow in which a spring clamp permits the plow shank to be pushed upwardly when obstructions in the soil are encountered. The second patent related to the gasketing of the closure of a finger-operated spray bottle containing an insecticide or other fluid. The Court reviewed the level of the prior art in these situations and the differences between that art and the invention defined in the respective claims and, in holding the claims of each of these patents to be invalid, concluded that the differences in each case were minor and of such a nature that the claimed invention would have been obvious to the average skilled artisan in the respective arts; hence it did not add to the sum of human knowledge.

The second opinion, *United States v. Adams, supra*, involved a patent on a constant voltage battery in which the electrodes were magnesium and cuprous chloride and the electrolyte could be plain water. The Court determined that the differences between the invention and the prior art in this field were such that the invention defined by the claims was not obvious to the average skilled artisan in that field at the time the inventor, Mr. Adams, made the invention. The U. S. Government, which was challenging the validity of the patent, cited as prior art a number of patents in which both magnesium and cuprous chloride had been used or suggested as electrodes, but in none of the patents had cuprous chloride and magnesium been used together with plain water as the electrolyte. The Court was apparently influenced in its conclusion by the fact that, when the inventors first offered to license their invention to the U. S. Government, government scientists indicated that they did not believe such a battery was workable or practical and their own efforts to construct a similar battery were unsuccessful. Thus the justices, with one of them dissenting, were obviously able to conclude that Mr. Adams had added to the sum of useful knowledge.

B. Utility of a Product of a Process as a Requirement for Patentability

The statutory requirement that an invention must be “useful” has been strictly construed by the United States Patent Office for many years. More recently, however, there has been a tendency in the chemical arts to assert “utility” of a compound on the basis of its use as an intermediate in the manu-

facture of compounds having a utility not possessed by the intermediate itself.

The Patent Office recently refused to allow claims in an application which was directed to a new process for producing a compound where the applicant did not clearly show a specific utility for the compound made by the claimed process. The applicant merely alleged that the compound (a steroid) was known in the art and that its utility was obvious to the applicant and others skilled in the art at the time the invention was made. The applicant appealed to the Court of Customs and Patent Appeals, which reversed the holding of the Patent Office. That Court held that a process was "useful" under the statute as long as the claimed process produced the intended result of providing an end product which was not detrimental to the public interest. It was held that, where a claimed process produces a product which is not detrimental, the process is patentable even though a specific utility for the product is not disclosed.

The Patent Office sought review of this decision of the Court of Customs and Patent Appeals in the Supreme Court of the United States. The Supreme Court reviewed the decision and, in a split decision in the case of *Brenner v. Manson*, 383 U.S. 519, decided that the "utility" requirements of patentability of the Patent Act were not met in a process which produced what the Patent Office termed a "useless product" (meaning a product for which the patent application described no specific utility).

In the decision, handed down in 1966, the Supreme Court, reversing the Court of Customs and Patent Appeals, reviewed the requirements of novelty, utility and non-obviousness set forth in its decision in the case of *Graham v. John Deere Co. of Kansas City*, discussed above, and noted that the grant of a patent monopoly required a strict standard to be established for all of these requirements, including utility. The Court stated that it was not enough that the claimed process be shown to produce a compound which was a "laboratory curiosity" or known to be in a class which was the subject of serious scientific investigation. "Until the process claim has been reduced to production of a product shown to be useful, the metes and bounds of that monopoly are not capable of precise delineation. . . . such a patent may confer power to block off whole areas of scientific development without compensating benefit to the public."

The Court concluded that, even though a process produced a product which might be a likely candidate for the object of further scientific research, this was not in itself of sufficient value to the public to warrant the grant of a monopoly in the form of a patent even on the process of making the product. The patent monopoly, according to the Court, should not be granted until the specific nature in which the useful sciences will be advanced and the exact benefit to be derived by the public can be specifically determined.

In a dissenting opinion, two justices of the Court stated that the statute and constitutional requirements of utility were met, in their opinion, by a process which produced a product that had a potential as a research tool and that this was a sufficient advance in the sciences to award a patent. They felt that the position of the majority of the Court would tend

to stifle scientific progress rather than to advance it. It remains to be seen whether or not the decision of the Court will induce researchers to keep secret their processes until a "utility" is found for the product produced by the secret process.

C. Effective Date of U. S. Patent as Prior Art

Two patent applications that may be co-pending at the same time in the Patent Office cannot both issue as valid patents claiming the same invention. The law provides for a resolution of this situation by establishing provisions for interference proceedings which determine which applicant made the invention first, and the first inventor is issued a patent on the invention which both applicants disclosed. However, two patent applications can be co-pending in which different inventions are claimed in each of the applications but the first filed application may disclose the invention which is being claimed solely in the second filed application. Since the first filed application had not been published at the time the second application was filed and the two applicants are not both claiming the second invention, may the second filed application issue as a valid patent? In 1926, the U. S. Supreme Court considered such a situation in the case of *Alexander Milburn Co. v. Davis-Bournonville Co.*, 270 U.S. 390. In its decision, the Court held that, since the first filed application disclosed the invention being claimed in the second filed application, the applicant of the second filed application was not the first inventor. Thus the second filed application could not issue as a valid patent even though the unclaimed, disclosed subject matter of the first filed application was not a matter of public knowledge at the time the second application was filed. The Court stated: "The delays of the Patent Office ought not to cut down the effect of what has been done. The first applicant had taken steps that would make the invention public as soon as the Patent Office did its work . . . we see no reason in the words or policy of the law for allowing the second applicant to profit by the delay."

This decision was codified in the 1952 revisions of the Patent Act in Section 102(e) which stipulates that a person shall be entitled to a patent unless: "the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent."

Although the effect of Section 102(e) of the Patent Act is to make the disclosure contained in an issued patent a part of the prior art at the time the application was filed, Section 102(e) of the Patent Act does not specifically state that the disclosure of an issued patent is prior art retroactively to the filing date of the application. Whether the disclosure in the patent is considered to be prior art retroactively to the filing date of the application is of no consequence as long as the second filed application is claiming the same invention that is disclosed in the patent, since Section 102(e) of the Patent Act establishes a statutory bar to the issuance of a valid patent on the second application. However, the problem whether the disclosure of the issued patent is prior art as of the filing date of the patent is extremely important when considering what constitutes the prior art referred to in Sec-

tion 103 of the Patent Act in applying the obviousness test for patentability. Section 103 reads in part "A patent may not be obtained. . . if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. . . ." If a U. S. patent issues subsequent to the filing of an application but that patent has a filing date earlier than the application in question, does the disclosure in the patent issuing after the application is filed constitute a portion of the prior art which must be considered in determining whether the differences between the claimed invention of the applicants and the prior art would be obvious to one having ordinary skill in the art? The Patent Office has taken the position that issued U. S. patents are always applicable as prior art as of their filing date for all purposes and that the public should be charged with the knowledge during the pendency of the application in so far as any alleged inventions made by others during this period are concerned. Even if a patent issues on a continuation-in-part application and the original parent application is abandoned, the issued patent is used as prior art as of the filing date of the abandoned application as to all subject matter common to the abandoned parent application and the continuation-in-part application.

On December 23, 1957, Hazeltine Research filed a patent application for a new and useful improvement on a microwave switch. The Patent Office rejected the claims of this application on the ground that the differences between the claimed invention and a patent issuing in 1949 would be obvious to one skilled in the art in the light of the disclosure contained in a new patent which issued on February 4, 1958 (43 days after the application in question was filed, but which had been pending in the Patent Office since March 24, 1954). The applicant appealed the rejection by the Patent Office to a Federal District Court on the basis that the second cited patent (that is, the secondary reference) could not properly be considered a part of the prior art since it had been co-pending with the application in question and the subject matter of the cited patent was, therefore, secret and not known to the applicant or the public at the time the invention was made by the applicant. The District Court affirmed the rejection by the Patent Office, the Court of Appeals affirmed the District Court, and the Supreme Court granted *certiorari* and undertook to decide the question whether a co-pending application may be properly invoked as "prior art" as that term is used in the obviousness test specified by Section 103 of the Patent Act.

In its decision of *Hazeltine Research, Inc. v. Brenner*, 382 U. S. 252 (1965), the Supreme Court affirmed the position of the Patent Office and the lower courts and held that a valid patent could not be issued if, at the time the applicant makes his invention, information from which the invention could be derived by one normally skilled in the art is disclosed in an issued patent or publication or is contained in a patent issued on an application which was on file in the Patent Office prior to the date the invention was made by the applicant. In other words, when a patent issues, the disclosures contained in that patent become a part of the prior art retro-

actively as of the time the application for that patent or any antecedent application was filed. The Court held that the basic philosophy of the previously discussed *Alexander Milburn v. Davis-Bournonville* case was still controlling, whether or not the identical invention was involved. The rationale of the Court was that "the delays of the Patent Office ought not to cut down the effect of what has been done." Therefore, the principle has now been clearly established in U. S. law that, upon issuance of a patent, the entire subject matter disclosed in that patent is considered to constitute the level of the public known art as of the filing date of the patent.

NEWS ITEMS

COLOMBIA

Appointment of a New Head of Industrial Property

We have recently been informed that Mr. D. Enrique Muñoz Diaz has been appointed Head of Industrial Property of the "Ministerio de Fomento."

We take this opportunity to congratulate Mr. D. Enrique Muñoz Diaz on his appointment.

TURKEY

Appointment of a New Director of Industrial Property

We have recently been informed that Mr. Kemâl Efeöglu has been appointed Director of Industrial Property in the Ministry for Industry of the Turkish Republic.

We take this opportunity to congratulate Mr. Kemâl Efeöglu on his appointment.

BOOK REVIEWS

Manual Téorico-Práctico de Propiedad Industrial [Manual of the Theory and Practice of Industrial Property]. By Hildegard Rondón de Sansó. Published by Prensas venezolanas de editorial arte, 1968. — 160 pages. 2nd Edition. (In Spanish).

This second edition of Mrs. Rondón de Sansó's extremely useful commentary on the industrial property law and practice of Venezuela contains a new Section on the international protection of industrial property. In addition, annexes contain the texts of bilateral treaties on industrial property entered into by Venezuela, the text of the Stockholm Act of the Paris Convention, a bibliography of industrial law, and the text of the Venezuelan Industrial Property Law in force at present.

CALENDAR OF MEETINGS

BIRPI Meetings

- June 20 and 21, 1969 (Geneva) — Permanent Committee of the Berne Union (Extraordinary Session)
Object: Consideration of various questions concerning copyright — *Invitations:* Belgium, Brazil, Denmark, France, Germany (Fed. Rep.), India, Italy, Portugal, Rumania, Spain, Switzerland, United Kingdom — *Observers:* All other member States of the Berne Union; Unesco
- August 29, 1969 (Geneva) — Information Meeting of International Non-Governmental Organizations
Object: To appoint observers to the International Copyright Joint Study Group — *Invitations:* Interested Organizations — *Note:* Meeting convened jointly with Unesco
- September 17, 1969 (Geneva) — Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) — Technical Coordination Committee (2nd Session)
- September 18 and 19, 1969 (Geneva) — Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) — First Ordinary Session
- September 22 to 26, 1969 (Geneva) — Interunion Coordination Committee (7th Session)
Object: Program and Budget of BIRPI for 1970 — *Invitations:* Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Denmark, France, Germany (Fed. Rep.), Hungary, India, Iran, Italy, Japan, Kenya, Morocco, Mexico, Netherlands, Poland, Portugal, Rumania, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America
- September 22 to 26, 1969 (Geneva) — Executive Committee of the Conference of Representatives of the Paris Union (5th Session)
Object: Program and Budget (Paris Union) for 1970 — *Invitations:* Argentina, Australia, Anstria, Cameroon, France, Germany (Fed. Rep.), Hungary, Iran, Japan, Kenya, Morocco, Mexico, Netherlands, Poland, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America — *Observers:* All the other member States of the Paris Union; United Nations; International Patent Institute
- September 22 to 26, 1969 (Geneva) — Council of the Lisbon Union for the Protection of Appellations of Origin and their International Registration (4th Session)
Object: Annual Meeting — *Invitations:* All member States of the Lisbon Union — *Observers:* All other member States of the Paris Union
- September 29 to October 3, 1969 (Washington) — International Copyright Joint Study Group
Object: To examine all questions concerning international copyright relations — *Invitations:* Argentina, Anstralia, Brazil, Canada, Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), India, Italy, Ivory Coast, Japan, Kenya, Mexico, Netherlands, Nigeria, Pern, Philippines, Rumania, Senegal, Spain, Sweden, Tunisia, United Kingdom, United States of America, Yugoslavia — *Observers:* Organizations to be designated — *Note:* Meeting convened jointly with Unesco
- September 30 to October 2, 1969 (Geneva) — Committee of Experts on the Establishment of a "Priority Fee" (Paris Convention)
Object: Implementation of the Recommendation adopted by the Stockholm Conference — *Invitations:* Algeria, Argentina, Austria, France, Germany (Fed. Rep.), Iran, Italy, Japan, Kenya, Netherlands, Rumania, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America, Yugoslavia — *Observers:* Intergovernmental and international non-governmental Organizations concerned
- October 21 to 24, 1969 (Munich) — Joint Ad Hoc Committee on the International Classification of Patents (2nd Session)
Object: Practical application of the classification — *Invitations:* Czechoslovakia, France, Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Spain, Switzerland, United Kingdom, United States of America — *Observers:* International Patent Institute — *Note:* Meeting convened jointly with the Council of Europe
- October 27 to 31, 1969 (Geneva) — Committee of Experts on a Model Law for Developing Countries on Industrial Designs
Object: To study a Draft Model Law — *Invitations:* Developing countries members of the United Nations — *Observers:* Intergovernmental and international non-governmental Organizations concerned
- November 3 to 8, 1969 (Cairo) — Arab Seminar on Industrial Property
- December 10 to 12, 1969 (Paris) — Intergovernmental Committee Rome Convention (Neighboring Rights), convened jointly by BIRPI, ILO and Unesco (2nd Session)
- December 15 to 19, 1969 (Paris) — Permanent Committee of the Berne Union (14th Ordinary Session)
- March 9 to 20, 1970 (Geneva) — Preparatory Study Group on PTC Regulations
Object: Study of Draft PCT Regulations — *Invitations:* All member States of the Paris Union — *Observers:* Intergovernmental and international non-governmental Organizations concerned
- May 25 to June 19, 1970 — Diplomatic Conference for the adoption of the Patent Cooperation Treaty (PCT)
Invitations: All member States of the Paris Union — *Observers:* Other States; Intergovernmental and international non-governmental Organizations concerned — *Note:* The exact place of the Conference will be announced later

Meetings of Other International Organizations Concerned with Intellectual Property

- June 16 and 17, 1969 (Stockholm) — International Federation of Inventors' Associations (IFIA) — Annual meeting
- June 23 to 27, 1969 (Paris) — Unesco — Subcommittee of the Intergovernmental Copyright Committee
- June 23 to 28, 1969 (Caracas) — VIIth Interamerican Meeting on Copyright
- June 24 to 26, 1969 (The Hague) — International Patent Institute (IIB) — 101st Session of the Administrative Council
- July 1 to 5, 1969 (Moscow) — Moscow Jubilee Symposium 1969 (Industrial Property)
- July 2 to 7, 1969 (Moscow) — International Writers Guild (IWG) — 2nd Congress
- September 8 to 12, 1969 (Nuremberg) — International Federation of Musicians — 7th Ordinary Congress