

Industrial Property

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INTERNATIONAL UNION

Mission of a BIRPI Delegation to the Union of Soviet Socialist Republics

In response to an invitation from the USSR State Committee for Inventions and Discoveries, a delegation of BIRPI¹⁾ visited Moscow from June 1 to 3, 1964. Foremost among the persons with whom the delegation met were the Chairman of the Committee, Mr. J. E. Maksarev, its Vice-Chairman, Mr. J. E. Artemiev, and a number of their assistants. The delegation also had the opportunity to engage in most interesting discussions with other Soviet officials, in particular with Mr. J. M. Gvishiani, Vice-Chairman of the USSR Governmental Committee for the Coordination of Scientific Research Work, one of those principally responsible for the policy of the Soviet Union in the field of industrial property matters. Useful contacts were also made with the Director of the All-Union Scientific Research Institute for the Governmental Examination of Patents, Mr. Komov, and some of his colleagues, as well as with the Director of the All-Union Technical Patent Library, Mr. M. P. Zuhov, and the Head of the Section of the Committee for Inventions and Discoveries in charge of registrations, Mr. Ananiev.

The purpose of the mission was firstly to obtain information on legislation in the Soviet Union on industrial property, particularly in the field of inventions, and on the working of the State Committee for Inventions and Discoveries. The mission also provided the opportunity for discussions on the international protection of industrial property and the part that could be played in this connection by authors' (i. e., inventors') certificates as known in Soviet legislation.

The most important information obtained through these contacts is reproduced below, after a few remarks on the general impressions gathered by the BIRPI delegation in the course of talks which proved both profitable and cordial.

Fully aware of the importance that discoveries and inventions have had and will continue to have on the industrial development of their vast country, the Soviet authorities are in process of improving, with great energy, their national system of protection or remuneration of inventions and discoveries. Furthermore, equally aware of the significant part which their country could play hereafter at the international level in the field of inventions²⁾ and exchanges of technology, the Soviet authorities are seriously considering the Soviet Union's accession to the Paris Convention for the Protection of Industrial Property. They saw as clearly as the delegation of BIRPI that their accession to the Convention could greatly facilitate the international protection of inventions and the conclusion of license contracts. However, it was no less clear that the Paris Convention could only be

fully effective in the Soviet Union if authors' certificates were expressly introduced into the Convention, before or shortly after the accession of the USSR to it, in particular as a basis for priority rights³⁾.

As for the information itself, the following was obtained:

Legislation

Inventions (as well as discoveries and proposals for rationalisation) continue to be governed by the Order of April 24, 1959⁴⁾, in force since May 1, 1959⁵⁾, and the Instructions on indemnities of April 24, 1959⁶⁾, but considerable changes have been made both in the texts themselves and in their application. Fuller details on the system at present in force will be given below.

As for trademarks, the Decree of May 15, 1962, and the Regulations of June 23, 1962, are still in force but they too have undergone changes.

BIRPI will shortly assemble the new texts and publish their translations.

However, even greater changes are to be expected in the Soviet legislative system for industrial property. The Soviet authorities are now preparing entirely new laws concerning inventions and trademarks as well as their first law on industrial designs. These drafts will probably be submitted to the Council of Ministers of the USSR towards the end of this year.

Administration

The most important change made so far to Soviet legislation on inventions is that, for the last two years or so, the procedure for the issue of authors' certificates or patents has been carried out by two different bodies. Applications for authors' certificates or patents must always be addressed to the State Committee for Inventions and Discoveries, which makes the final decision on the matter, but searches relating to the novelty and the usefulness of the inventions are entrusted to the All-Union Scientific Research Institute for the Governmental Examination of Patents, whose headquarters are in the same building as the Technical Patent Library⁷⁾. This library is used by the Institute.

Some figures supplied by the Soviet authorities will throw further light on the situation:

The State Committee for Inventions and Discoveries has about 200 staff members, the Research Institute about 650, and the Library some 240. These bodies are rapidly expanding; for instance, it is expected that the Research Institute will be employing approximately 1000 persons by the end of this year.

Here are some more figures:

Number of applications for authors' certificates or patents	1960	1961	1962	1963
	53,896	58 345	68,031	76,257

³⁾ See *Industrial Property*, 1964, pp. 66 et seq.

⁴⁾ See *La Propriété Industrielle*, 1959, p. 241 (in French). See also the interesting comments in the British report, *Industrial Property Quarterly*, April, 1960, p. 34; also Katzarov, *Gewerblicher Rechtsschutz und Urheberrecht der UdSSR und der Volksdemokratien Europas*, 1960, pp. 39 et seq.

⁵⁾ See *La Propriété Industrielle*, 1960, p. 7 (in French).

⁶⁾ See *La Propriété Industrielle*, 1960, p. 3 (in French).

⁷⁾ The Library possesses about 10 million patents on the basis of exchanges with 30 foreign countries.

¹⁾ The delegation was composed of Professor G. H. C. Bodenhausen, Director of BIRPI, and Dr. Arpad Bogsch, Deputy Director.

²⁾ See in this connection: M. M. Boguslawski, *Internationale Rechtsprobleme des Erfindungswesens*, 1963.

Applications refused outright	7,735	7,883	9,943	12,924
Applications fully examined	44,026	52,457	52,454	53,465
Authors' certificates and patents registered	10,485	10,515	10,224	9,057
<i>whereof</i> patents	77	36	60	33
<i>whereof</i> patents issued to foreigners	76	35	58	33

The Research Institute estimate that some 75 % of applications for authors' certificates (the number of applications for patents is negligible) come from private individuals and only 25 % from enterprises.

Certain conclusions may be drawn — and in fact already have been drawn by the Soviet authorities themselves — from these figures.

The percentage of applications for authors' certificates submitted by private individuals is relatively very high and high also is the percentage of applications rejected for formal defects; it appears, in effect, that many applications are filed by persons not fully conversant with such matters.

In contradistinction to the percentage of applications for authors' certificates filed by private individuals, the percentage of applications filed by enterprises is relatively low. The Soviet authorities explain this phenomenon by the fact that enterprises often fail to see any advantage in obtaining authors' certificates, as the remuneration must go to the physical author of the invention, if known, and the enterprises themselves derive no benefit. This state of affairs, however, is regarded as far from satisfactory by Soviet authorities who are convinced that the issue of authors' certificates or patents is extremely useful, both from the point of view of the efficient exploitation of inventions inside the country and their protection in other countries, and with regard to the licence contracts to be concluded. It is proposed, therefore, to launch a large-scale propaganda campaign in support of authors' certificates among Soviet enterprises in the evaluation of whose productivity the number of authors' certificates obtained would hereafter be taken into consideration.

The figures quoted above also show that it was not possible to examine all the applications for authors' certificates which were not rejected outright. Like all the other countries with a prior examination system, the Soviet Union is well aware of the problem of backlog.

The percentage of successful applications is relatively low and this also indicates that applications are often submitted without adequate preparation.

Compared with authors' certificates, the number of patents applied for is extremely low, and almost all the applications are filed by foreigners.

When evaluating the figures quoted above, account should be taken of the fact that while, in some ways, the tasks of the Committee for Inventions and Discoveries are the same as those of a patent office in a Western country, they are very different in other ways. In the first place, the prior examination of applications deals not only with the novelty but also

with the usefulness of the invention, that is to say, its usefulness to the general economy either at the time of filing or in the future. The information obtained does not make it possible to draw any conclusions regarding the number of applications that have failed on this score.

Furthermore, the Committee for Inventions and Discoveries also has a much more active part to play than patent offices in Western countries; its role is not confined to making decisions regarding the issue of authors' certificates or patents; it must also recommend their use in industry, it authorises the filing of applications for patents in foreign countries concerning inventions made by Soviet nationals either in the USSR or abroad, and prepares, in cooperation with other bodies such as the USSR Chamber of Commerce and the Licencintorg⁸⁾, license contracts for the exploitation of foreign inventions in the USSR and Soviet inventions in other countries.

The Committee for Inventions and Discoveries (Registration Section) also deals with the registration of trademarks. The regulations referred to above seem to have been modified in such a way that registration in the USSR of the trademark of an alien no longer requires the prior registration of the same trademark in the country of origin.

International Cooperation

At the present time, foreigners (private individuals or legal entities) may, subject to reciprocity, and compulsorily through the medium of the USSR Chamber of Commerce, apply for authors' certificates or patents in the Soviet Union. Soviet nationals must process their applications to be filed abroad through the USSR Chamber of Commerce. (The position is the same for trademarks.)

Authors' certificates have little attraction for foreigners, and probably never will have much, because the remuneration involved is neither freely negotiated nor adapted to their needs.

Applications from foreigners for patents in the USSR are not very numerous either, and it can likewise be assumed that relatively few patents are applied for by Soviet nationals in other countries.

This state of affairs naturally leaves it open to both sides to use inventions that are not protected by patents. However, the Soviet authorities are of the opinion that the situation no longer meets the requirements of the present time, and that inventions, or at least the most important of them, should be protected and their use made subject to license contracts.

The Soviet authorities pointed out that they are endeavouring to keep a careful watch on exports from the USSR to other countries so that they do not infringe patents in force in such countries⁹⁾. There is no reason to believe that the same care will not be taken to ensure that patents obtained by foreigners in the USSR be respected. Divergences of opinion as to the interpretation of patents may be submitted to the courts, as in other countries, and license contracts under patents may be freely negotiated.

⁸⁾ See *Industrial Property*, 1963, p. 240.

⁹⁾ See M. M. Boguslawski, *op. cit.*, pp. 41 *et seq.* "Patentreinheit der Exportprodukte".

In return, the Soviet authorities expect to find similar treatment in other countries.

International cooperation naturally presupposes mutual confidence, and the Soviet authorities are anxious to make their contribution. This was clearly indicated by the very frank and cordial reception which they gave to the BIRPI delegation.

G. H. C. B.

Industrial Property Congress at Bogotá for Latin America

(July 6-11, 1964)

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LIST OF PARTICIPANTS

- I. Delegates
- II. BIRPI
- III. Observers
 - A. States
 - B. International Intergovernmental Organizations
 - C. International Non-Governmental Organizations
 - D. Individual Observers
- IV. Officers

General Report¹⁾

(1) The Congress of Bogotá on Industrial Property for Latin America, convened and organized by the Government of the Republic of Colombia, and sponsored by the United International Bureaux for the Protection of Intellectual Property (BIRPI) of Geneva, Switzerland, met in the capital of Colombia from July 6 to 11, 1964.

I. PARTICIPATION

(2) The delegates of nineteen Latin-American countries participated in the Congress: Argentina, Bolivia, Brazil, Chile,

Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Haiti, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela. Except for Panama, all these countries were represented by official delegates, i. e., delegates appointed by their respective governments at the request of the Government of Colombia and of BIRPI; or by official delegates and non-official delegates. The latter expression is to be understood as referring to patent attorneys and agents invited in their personal capacity by the Government of Colombia and BIRPI.

(3) The official delegates were persons who in their respective countries are the heads of the national offices for industrial property, or are otherwise officially connected with such offices. The latter category included the Minister for Development of Colombia, the Minister for Commerce and Industry of the Dominican Republic, the Minister for Development of Venezuela, and the Deputy Minister for Economy of Guatemala.

(4) Attending the Congress as observers were the representatives of six countries members of the International Union for the Protection of Industrial Property (Paris Union): Czechoslovakia, Israel, Portugal, Spain, Switzerland, and United States of America; representatives of three international organizations: the United Nations, the Pan-American Union, and the Permanent Secretariat of the General Treaty of Central American Economic Integration; and representatives of four international associations: the Inter-American Association for Industrial Property (ASIPI), the International Association for the Protection of Industrial Property (IAPIP), the International Chamber of Commerce, and the Inter-American Bar Association. The Dean of the Faculty of Law of Ponce (Puerto Rico), and the Registrar-General of San Juan (Puerto Rico), also attended as observers.

(5) A list of the participants is attached to this report.

II. OPENING OF THE CONGRESS

(6) The Congress was formally opened on behalf of the President of the Republic of Colombia, Dr. Guillermo León Valencia, by the Minister for Mines and Petroleum of Colombia, Dr. Enrique Pardo Parra. The Director of BIRPI, Professor G. H. C. Bodenhausen and, on behalf of the Minister for Development of Colombia, Dr. Aníbal Vallejo, the Director General of the same Ministry, Dr. Jaime Salazar Montoya, greeted the participants and outlined the purposes of the Congress.

III. OFFICERS OF THE CONGRESS

(7) On a motion by Clovis Costa Rodriguez (Brazil) approved by acclamation, the Congress elected the following officers: Jaime Salazar Montoya (Colombia), Chairman; Professor G. H. C. Bodenhausen (BIRPI), First Vice-Chairman; Minister Manuel Egaña (Venezuela), Second Vice-Chairman; Minister Pompilio Brouwer (Dominican Republic), Third Vice-Chairman; Dr. Arpad Bogsch (BIRPI), and Reinaldo Mosquera Guzmán (Colombia), Secretaries-General.

¹⁾ Translation from the Spanish.

IV. PURPOSES, AGENDA AND ORGANIZATION OF THE WORK

(8) As announced in the invitation, the purpose of the Congress was to discuss questions of industrial property in which Latin-American countries were interested at the level of their *national legislation* and at the level of the *Paris Convention*.

(9) In accordance with this purpose, the Congress agreed to group the questions in four categories and to discuss them in the following order: patents of invention, trademarks, other forms of industrial property, the Paris Convention for the Protection of Industrial Property ("Paris Convention"). The work of BIRPI as International Secretariat of the Paris Union was also discussed in connection with the latter subject.

(10) Most of the discussions took place in a Working Committee directed by different groups of officers for each of the four questions mentioned. Each group of officers included one Chairman and two Vice-Chairmen elected from among the official delegates, and one Rapporteur elected from among the non-official delegates.

(11) The four groups of officers were composed as follows:

Chairmen

Patents: Mr. Eduardo Palomo Escobar (Guatemala)
 Trademarks: Mr. Santiago Larraguibel Zavala (Chile)
 Other forms of industrial property:
 Mr. Enrique Peltzer (Argentina)
 Paris Convention:
 Mr. Clovis Costa Rodríguez (Brazil)

Vice-Chairmen

Patents: Mr. Carlos Iglesias (Costa Rica)
 Mr. Carlos Avilés Segovia (Ecuador)
 Trademarks: Mr. Julián Bendaña Silva (Nicaragua)
 Mr. César Roy Ferreira (Paraguay)
 Other forms of industrial property:
 Mr. Thomas Manrique (Peru)
 Mr. Jean L. Montes (Haiti)
 Paris Convention:
 Mr. Juan Peñaranda Ypiña (Bolivia)
 Mr. Rodolfo Jiménez Barrios (El Salvador)

Rapporteurs

Patents: Mr. Victor Bentata (Caracas)
 Trademarks: Mr. Kleber Avila Pereira (Rio de Janeiro)
 Other forms of industrial property:
 Mr. José Barreda Moller (Lima)
 Paris Convention:
 Mr. Ernesto D. Aracama Zorraquin (Buenos Aires)

(12) Dr. Arpad Bogsch (BIRPI), and Mr. Reinaldo Mosquera Guzmán (Colombia), carried out the functions of Secretaries-General in all the meetings of the Working Committee.

V. WORKING COMMITTEE DISCUSSIONS

(13) The discussions of the Working Committee are summarized in the four reports of the four Rapporteurs. The complete texts of these reports are attached to the present general report¹⁾.

(14) With respect to each subject, the discussion began with the submission of written reports. BIRPI and the Colombian participants had prepared reports for each of the subjects. The Colombian reports were prepared by Anacarsis Cardona de Salonia and Mario Convers Rubio (patents), Reinaldo Mosquera Guzmán and Marco Antonio Higuera G. (trademarks), Pedro Castillo Pineda and Ramiro Castro Duque (powers of attorney), and Germán Cavelier (Paris Union).

(15) Dr. Hildegard Rondón de Sansó (Caracas) submitted a general study entitled "The Influence of Patent and Trademark Protection on the National Economies of the Different Countries of Latin America."

(16) Other written reports and suggestions were submitted (in chronological order) by: Carlos Fernández Córdova (Guatemala)²⁾; the Venezuelan Delegation; the Delegations of Argentina, Bolivia, Brazil, Chile, Mexico, Paraguay, Peru, Uruguay, and Venezuela, jointly; Julián Bendaña Silva (Nicaragua); and Thomas Manrique (Peru).

VI. PATENTS

(17) As indicated in the attached report of the Rapporteur of the "Patent" Group, this group was particularly concerned with questions of compulsory licenses and of forfeiture of patents as penalties for the failure of exploitation of patented inventions; of product patents and process patents, in particular in connection with drugs; and of the interest attaching to a model patent law, to be prepared with the cooperation of BIRPI.

(18) In plenary session, the delegate of Peru submitted a proposal asking that the Congress suggest "the desirability of studying the possibility of completing the South American trademark statutes as far as the right of priority is concerned, or, in the absence of such statutes, of completing the administrative provisions — subject to the existing conventions — to the effect that the right of priority shall not be recognized in favor of the person claiming it, if it is sufficiently proved that such person is of bad faith or has no legitimate economic interest." Because of lack of time for a thorough discussion, the proposal was reserved for a later Congress; however, and pursuant to a suggestion made by the Argentine Delegation, the Congress supported the spirit of the Peruvian proposal.

(19) Also in plenary session, the Congress adopted the following recommendations made by the Delegation of Venezuela:

"1. Subject to the provisions of the General Conventions and of particular treaties, for the purpose of the grant of compulsory licenses or of forfeiture of patents, 'working'

¹⁾ They may be obtained on request from BIRPI.

²⁾ Withdrawn.

should be considered as the manufacture of the product or the application of the process thereof on an industrial scale in the country of grant; however, events beyond the owner's control or of *force majeure* may be proven.

" 2. It is recommended that compulsory licenses should be granted and, subsidiarily, that the possibility of the forfeiture of patents be admitted, for reasons of public order as defined in advance by statute, so that the Administration be empowered to establish the advisability of the loss of protection in respect to inventions which are not 'worked' within the meaning of paragraph 1, above.

" 3. It is recommended that a statistical service be instituted in order to determine the amount of increase of national income derived from patents during the term of their validity.

" 4. It is recommended that, as to matters that concern domestic patents, patent offices favor, before the State credit organizations, the grant of subventions to inventors in order to permit the exploitation of his patent."

(20) In adopting these proposals, it was understood that the expression "General Conventions" in the first paragraph meant that the system of compulsory licenses could not and should not go beyond the limits established in the Paris Convention and the other conventions and treaties, and that the reference to the first paragraph in the second paragraph meant that the said conventions and treaties must be respected also insofar as the possible forfeiture of patents was concerned.

(21) In connection with the vote for these proposals, the Argentine Delegation expressly reserved its country's rights in respect to its legislative system and the planning and conduct of its economic policy.

VII. TRADEMARKS

(22) The Trademark Group was concerned principally with geographic names, licensing of trademark rights, the international classification, and well-known trademarks. Particulars appear in the report of the Rapporteur of this Group, Mr. Kleber Avila Pereira.

VIII. OTHER QUESTIONS OF INDUSTRIAL PROPERTY

(23) This Group discussed powers of attorney and consular legalization, industrial designs, utility models for "minor inventions", trade names and commercial slogans. The report of the Rapporteur of this Group, Mr. José Barreda Moller, contains a detailed account of the discussions.

IX. PARIS CONVENTION

a. *Question of Adherences*

(24) At the second plenary meeting of the Congress, the Minister for Development of Venezuela, Mr. Manuel Egaña, delivered a speech in which he stated that his Government was prepared to adhere to the Paris Union, and that it was his sincere desire that all the American States with which they were closely connected by historical and cultural bonds would adhere in due course to this Union.

(25) These statements by Venezuela were the keynote of the discussion in the Working Committee, during which other

delegations stated either that they would recommend to their governments that they study the possibility of prompt accession to the Paris Convention, or that they were already of the opinion that their countries should adhere to the said Convention as promptly as possible.

(26) The delegations of Argentina, Bolivia, Brazil, Chile, Mexico, Paraguay, Peru, Uruguay and Venezuela submitted a written proposal. The preamble to this proposal describes very clearly the substance of this question, and is therefore reproduced below:

"The fate of the people of our less developed areas constitutes the greatest concern of the governments of all our countries. The initiation of national planning and international integration, designed to provide a solution through national progress to the fate of vast sections of economically depressed population, is the most prominent characteristic of our time, and one which, because of its human content, is even more significant than atomic fission or the conquest of stellar space.

"The selection of appropriate means to initiate, accelerate or correct these processes constitutes a grave problem and also a challenge to the ingenuity of those entrusted with the political leadership of each country. An examination of most of the government programs known in our republics discloses the uniform conviction that an attempt must be made to provide for national requirements by an increase in production in all fields, by the creation and investment of exportable balances, and by industrial expansion.

"Total protection of industrial property is certainly an indispensable element of these plans, since, without the generous creative participation of the human spirit, the best conceived plans would be useless, and this spirit must be stimulated, protected, and rewarded so that it may live in a climate favoring its development. In these conditions, and in these conditions only, will this spirit have its full scope as a serious factor of progress. This fact has been recognized and made the subject of legislation even in totalitarian economies, if greater proof were needed in this respect. It is therefore obvious that the more restrictions or limitations that are imposed upon this principle, the less the human creative spirit can be expected to contribute to the solution of the problems in question.

"The 1883 Convention of the Paris Union, as revised in Lisbon (1958), is a manifestation of the experience of nations of very different types and stages of development, which, in the last eighty years and in numbers that have increased from the eleven original to the sixty-five present member countries, have developed into an international community system able to function without prejudice to the sovereignty, laws, jurisdictions, and interests of the member countries which have found therein a common ground to practise, to their own advantage, the principles of good faith and loyalty on which any efficient system of industrial property protection is based.

"The Convention of the Union constitutes a unique experience regarding the possibility of combining completely different legal systems and traditions, as well as apparently incompatible economic interests and potentialities. This ex-

perience has been cultivated, polished and improved upon over a period of eighty years and it could hardly be duplicated because of the invisible background work entailed by the number of reciprocal concessions which were necessary in connection with this Convention. Although subject to adaptation and improvement like any national or international legal statute, the system has reached the point where the young and strong voice of Latin America in all its power should join this Convention to benefit from the immediate advantages it offers and call for the amendments which may appear necessary.”

(27) After a discussion based on these considerations and on the reports of BIRPI and of Mr. Germán Cavelier (Bogotá), and after hearing the statements of Mr. Enrique Correa M. (Mexico), Mr. Clovis Costa Rodríguez (Brazil) and Mr. Jean L. Montes (Haiti) — who all declared that the adhesion of their countries to the Paris Union had resulted in great advantages to their national economy — the following resolution was unanimously adopted by acclamation:

“In view of:

- (a) *the importance that all aspects of industrial property have in the economic development of nations;*
- (b) *the advisability of modernizing the different national legislations for adaptation to present requirements;*
- (c) *the advisability of completing the legislation of each country in order to bring it into line with a suitable internationally recognized system in all cases in which such integration is beneficial to legitimate national interests;*
- (d) *the fact that the Paris Convention for the Protection of Industrial Property respects the national system and the jurisdiction of each country, and offers a suitable means of international integration by granting to countries the rights which, because they are not yet members, they cannot enjoy,*

the Congress of Bogotá on Industrial Property for Latin America resolves:

1. *to recommend to the Governments of the Latin-American Nations that they revise their legislation in matters of industrial property so that it be complete, that it protect all their institutions, and that it promote and increase creative activity as determined by the stage of economic development of each country;*
2. *to recommend to the Latin-American Governments which are still not parties to the Paris Convention for the Protection of Industrial Property that they consider the advisability of their joining it, taking into account their legitimate national interests, their national agreements and programs of economic integration, and the documents and studies submitted at this Congress;*
3. *to recommend to the Latin-American Nations which are already party, as well as to those which will adhere, to the said Convention that they consider the desirability of consultations among themselves with a view to expressing their opinions jointly regarding their common interests at the Diplomatic Conference for the revision of the text of the said Convention, to be held in Stockholm in 1967.”*

b. BIRPI

(28) The representatives of BIRPI (United International Bureaux for the Protection of Intellectual Property), which constitutes the intergovernmental secretariat of the Paris Union (with offices at 32, chemin des Colombettes, Geneva, Switzerland) informed the Congress of the activities and program of this organization.

(29) The following recommendation was adopted on the basis of this information:

“Noting:

- (a) *that BIRPI is a world-wide information center for matters related to industrial property protection, and is available to interested governments, organizations, and associations to furnish them with replies to inquiries of interest to them;*
- (b) *that BIRPI offers scholarships and courses for officials engaged in the administration of industrial property in their respective countries;*
- (c) *that BIRPI offers assistance in the form of missions of experts to governments desiring such assistance;*
- (d) *that BIRPI is engaged in the preparation of model industrial property laws designed to assist countries which desire to modernize their legislation in conformity with the requirements of their national economic interests (a committee of experts will examine a model draft law on inventions and know-how from October 19 to 23, 1964, in Geneva; all Latin-American countries and ASIPI are invited to attend this committee);*
- (e) *that BIRPI has convened for October 5 to 7, 1964, in Geneva, a committee of experts to consider questions of interest to countries which have a prior art examination system for patents (all the countries in this category in Latin America and ASIPI have been invited);*
- (f) *that BIRPI is engaged in the improvement of the international classification of products and services to which trademarks are applied, and in the establishment of an international classification of industrial designs,*

the Congress of Bogotá on Industrial Property for Latin America

Requests the Latin-American countries and ASIPI:

1. *to take advantage of the services offered by BIRPI, and*
2. *to participate actively in the implementation of the program of BIRPI.”*

X. MISCELLANEOUS QUESTIONS

a. Teaching of Industrial Property Law in Universities

(30) On the basis of a suggestion submitted by Dr. Hildgard Rondón de Sansó (Caracas), the following recommendation was adopted unanimously:

“The Congress of Bogotá on Industrial Property for Latin America:

Recommends to the competent authorities of all countries of Latin America the establishment of independent university professorships for the teaching of industrial property law.”

b. Regional Organization

(31) The delegate of Bolivia, Mr. Peñaranda Ypiña, proposed that the Congress create a regional organization for

Latin America to deal with various questions of industrial property. Since this matter was not included in the agenda of this Congress, it was agreed to defer its consideration to a later occasion.

c. *Future Meetings*

(32) The Director of BIRPI, Professor G. H. C. Bodenhausen, stated that, since the present Congress clearly demonstrated the usefulness of holding meetings of official and non-official delegates under BIRPI sponsorship, BIRPI intended to convene further regional meetings for Latin America in order to continue the collaboration established at the present Congress.

d. *ASIPI*

(33) The President of the Inter-American Association for Industrial Property (ASIPI), José Barreda Moller, invited all patent attorneys and agents who are not yet members to join ASIPI. He also offered BIRPI the collaboration of ASIPI. This offer was gratefully accepted by the Director of BIRPI.

e. *Integrated Central-American Economic Market*

(34) The official delegate of Nicaragua, Julián Bendaña Silva, stated that it would be desirable to obtain the diligent and efficient collaboration of BIRPI to direct and elaborate a preliminary draft trademark law for Central America, in agreement with the opinions of each of the five Central-American countries.

(35) The Director of BIRPI stated that in principle BIRPI was available to the Integrated Central-American Economic Market as soon as the question was officially submitted to BIRPI by the competent authorities of the Market.

XI. CLOSING OF THE MEETING

(36) After having heard the expressions of thanks of several delegates and observers, and the declarations, promising continued cooperation, of the representatives of the United Nations and the Pan-American Union, the Congress was declared to be closed by the Minister of Foreign Affairs of Colombia, H. E. Fernando Gómez, and the Director of BIRPI, Professor G. H. C. Bodenhausen.

(37) The Minister expressed the satisfaction of his Government at the success of the Congress and informed it that it was his intention to ask the Colombian legislature to authorize the ratification of the Paris Convention by Colombia.

(38) The Director of BIRPI underlined the exceptional significance of the Congress; it was the first BIRPI conference organized in a Latin-American country; it was the first BIRPI conference organized in a country which was not a member of BIRPI; it was the first BIRPI conference in which Spanish was the only official working language; and it was the first BIRPI conference to which only countries of Latin America were invited. The great interest which these countries had manifested and the obvious usefulness of meetings of this kind confirmed BIRPI's determination to convene other Latin-American conferences in the coming years.

(This Report was unanimously approved by the plenary meeting of the Congress held on July 11, 1964)

LIST OF PARTICIPANTS

I. *Delegates*

(The names of the Official Delegates are marked by an asterisk)

Argentina

- *Mr. Enrique Peltzer, Deputy Director, National Industrial Property Office, Ministry of Mining Industries, Buenos Aires.
- *Mr. Alberto O. Argento, Economic Counsellor, Embassy of Argentina, Bogotá (Colombia).
- Mr. Ernesto D. Aracama Zorraquin, Attorney-at-Law, Buenos Aires.
- Mr. Hipolito Hernanz, Public Notary, Buenos Aires.
- Mr. Jorge O'Farrell, Attorney-at-Law, Buenos Aires.
- Mr. Alejandro Allende, Attorney-at-Law, Buenos Aires.

Bolivia

- *Mr. Juan Peñaranda Ypiña, Director, Industrial Information and Development, La Paz.

Brazil

- *Mr. Clovis Costa Rodríguez, Director-General, National Industrial Property Office, Ministry of Industry and Commerce, Rio de Janeiro.
- Mr. Custodio de Almeida, Attorney-at-Law, Rio de Janeiro.
- Mr. Kleber Avila Pereira, Attorney-at-Law, Rio de Janeiro.
- Mr. Manoel Pestaña da Silva, Attorney-at-Law, Rio de Janeiro.
- Mr. A. Souza Barros, Attorney-at-Law, Sao Paulo.

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- *Mr. Santiago Larraguibel Zavala, Legal Counsellor, Department of Industries, Ministry of Economy, *Fomento* and Reconstruction, Santiago.

Colombia

- *Mr. Aníbal Vallejo Alvarez, Minister of *Fomento*, Bogotá.
- *Mr. Carlos Jimenez Gomez, Secretary-General, Ministry of *Fomento*, Bogotá.
- *Mr. Jaime Salazar Montoyá, Director-General, Ministry of *Fomento*, Bogotá.
- *Mr. Reinaldo Mosquera Guzmán, Head, Industrial Property Division, Ministry of *Fomento*, Bogotá.
- *Mr. Alfonso Vidales, Head, Economic Section, Ministry of External Relations, Bogotá.
- *Mr. Mario Convers Rubio, Head, Patent Section, Industrial Property Division, Ministry of *Fomento*, Bogotá.
- *Mr. Marco A. Higuera G., Head, Trademark Section, Industrial Property Division, Ministry of *Fomento*, Bogotá.
- *Mr. Carlos A. Iragorri, Head, National Industry and Commerce Division, Ministry of *Fomento*, Bogotá.
- *Mr. Bernardo Fajardo Pinzon, Director, State Laboratory of Chemical Research, Bogotá.
- Mr. Julio Alvarez Ricaurte, Attorney-at-Law, Bogotá.
- Mr. Gilberto Arango Londono, Chemical Engineer, Bogotá.
- Mr. Aurelio Caicedo Ayerbe, Attorney-at-Law, Bogotá.
- Mr. Pablo Cardenas Perez, Attorney-at-Law, Bogotá.
- Mr. Anarcarsis Cardona de Salonia, Attorney-at-Law, Bogotá.
- Mr. Pedro Castillo Pineda, Attorney-at-Law, Bogotá.
- Mr. Ramiro Castro Duque, Attorney-at-Law, Bogotá.

Mr. Germán Cavelier, Attorney-at-Law, Bogotá.
 Mr. Carlos Holguin, Attorney-at-Law, Bogotá.
 Mr. Hernando Pryor Varon, Attorney-at-Law, Bogotá.
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Ecuador

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 Mr. Carlos Fernandez Cordóva, Attorney-at-Law, Guatemala.
 Mr. Eduardo Mayora Dawe, Vice-President, Guatemalan Association of Industrial Property, Guatemala.
 Mr. Ernesto R. Viteri, Attorney-at-Law, Guatemala.

Haiti

*Mr. Jean L. Montes, Director, Industrial Property Service, Department of Commerce, Port-au-Prince.

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*Mr. Alfonso Estrada Berg, Secretary, Embassy of Mexico in Bogotá (Colombia).
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Miss Sonia Mendieta, Attorney-at-Law, Panama City.
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Paraguay

*Mr. Cesar Roy Ferreira, Director, Department of Trademarks and Patents, Ministry of Industry and Commerce, Asunción.
 Mr. Hugo Berkemeyer, Attorney-at-Law, Vice-President, Paraguayan Association of Industrial Property, Asunción.

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*Mr. Thomas Manrique, Head, Industrial Property Division, Ministry of *Fomento* and Public Works, Lima.
 Mr. José Barreda Moller, Attorney-at-Law, Interamerican Association of Industrial Property, Lima.
 Mr. Alberto Ladron de Guevara, Attorney-at-Law, Lima.

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*Mr. Luis A. Branda, Attorney-at-Law, Ministry of Industry and Labor, Montevideo.
 Mr. B. H. Fox, Attorney-at-Law, Montevideo.

Venezuela

*Mr. Manuel Egaña, Minister of *Fomento*, Caracas.
 *Mr. Luis Vilorio Garbati, Director, Industrial Property Office, Ministry of *Fomento*, Caracas.
 *Mr. Eduardo Morales, Legal Counsellor, Ministry of *Fomento*, Caracas.
 Mr. Victor Bentata, Attorney-at-Law, Caracas.
 Mr. Mariano Uzcategui Urdaneta, Attorney-at-Law, Caracas.
 Mrs. Hildegard Rondón de Sansó, Attorney-at-Law, Caracas.
 Mr. Benito Sansó, Attorney-at-Law, Caracas.

II. BIRPI

Mr. G. H. C. Bodenhausen, Director, BIRPI.
 Mr. Arpad Bogsch, Deputy Director, BIRPI.

III. Observers

A. States

Czechoslovakia

Mr. Jiri Svoboda, Consul of Czechoslovakia in Bogotá (Colombia).

Israel

Mr. Jacob Yinon, Ambassador of Israel in Bogotá (Colombia).

Portugal

Mr. Mauricio Mackenzie, Consul of Portugal in Bogotá (Colombia).

Spain

Mr. José María Allendesalazar y Travesedo, Conde de Montefuerte, Chargé d'affaires a. i. of Spain in Bogotá (Colombia).

Switzerland

Mr. Hans-Jakob Kaufmann, Chargé d'affaires a. i. of Switzerland in Bogotá (Colombia).

United States of America

Mr. Kenneth F. McClure, Director, Office of Legislative Planning, United States Patent Office, Washington, D. C.
 Mr. Harvey J. Winter, Assistant Chief, International Business Practices Division, Department of State, Washington, D. C.
 Mr. Joseph M. Lightman, Foreign Business Practices Division, Bureau of International Commerce, Department of Commerce, Washington, D. C.
 Mr. Charles Kotun, Adviser, United States Embassy, Bogotá (Colombia).

B. International Intergovernmental Organizations

United Nations

- Mr. Gamil Ghaleb, Representative of the United Nations in Colombia.
 Mr. Harold R. Hay, Director, Technical Assistance Plan for Industry, Special Fund of the United Nations, Bogotá (Colombia).

Panamerican Union

- Mr. Alfredo Urdinola A., Director, Office of the Organization of American States in Bogotá (Colombia).
 Mr. Francis C. Browne, Attorney-at-Law, Washington, D. C. (U. S. A.).

Permanent Secretariat of the General Treaty on Central American Economic Integration

- Mr. Gautama Fonseca, Attorney-at-Law, Guatemala, C. A.

C. International Non-Governmental Organizations

Interamerican Association for the Protection of Industrial Property (ASIPI)

- Mr. Ramiro Castro Duque, Attorney-at-Law, Bogotá (Colombia).

International Association for the Protection of Industrial Property (AIPPI)

- Mr. Stephen Ladas, Attorney-at-Law, New York, N. Y. (U. S. A.).
 Mr. Georges Gansser, Attorney-at-Law, Basle (Switzerland).

International Chamber of Commerce

- Mr. Stephen Ladas, Attorney-at-Law, New York, N. Y. (U. S. A.).

Interamerican Bar Association

- Mr. Rudolph J. Anderson, Attorney-at-Law, New York, N. Y. (U. S. A.).

D. Individual Observers

- Mr. Carlos E. Mascareñas, Dean of the Faculty of Law, Ponce (Puerto Rico).
 Mr. Miguel Ramon Aguilo, Registrar-General, San Juan (Puerto Rico).

IV. Officers

- President: Mr. Jaime Salazar Montoya (Colombia).
 First Vice-President: Mr. G. H. C. Bodenhausen (BIRPI).
 Second Vice-President: Mr. Manuel Egaña (Venezuela).
 Third Vice-President: Mr. Pompilio Brouwer (Dominican Republic).
 Secretaries-General: Mr. Arpad Bogsch (BIRPI),
 Mr. Reinaldo Mosquera Guzmán (Colombia).

LEGISLATION

ITALY

Decree by the President of the Italian Republic concerning rules for the protection of appellations of origin of must and wine (No. 930, of July 12, 1963)¹⁾

CHAPTER I

Appellations of origin

Article 1

Appellations of origin of wines shall mean the geographical names and geographical denominations of the areas of production concerned, accompanied or not by names of vine varieties or other indications used to designate the wines originating in them whose characteristic features are essentially determined by the vineyards and the natural conditions prevailing in the region.

The production area referred to in the foregoing paragraph may, in addition to the territory indicated in the appellation of origin, also comprise adjoining territories, provided that the same natural conditions exist and that for at least ten years prior to the entry into force of this decree the wine produced there has been marketed under the same name, provided that such wine presents the same physical, chemical and organoleptical characteristics and that it is produced from grapes of the vines traditionally cultivated in the area and converted into wine by the methods generally employed in the area.

Article 2

The following appellations of origin shall be distinguished:

- (a) "simple" appellations of origin;
- (b) "controlled" appellations of origin;
- (c) "controlled and guaranteed" appellations of origin.

Article 3

The "simple" appellation of origin shall relate to wines obtained from grapes of the vine varieties traditionally cultivated in the production areas concerned, and converted into wine in accordance with the established and unvarying local customs of the area.

Such areas shall be delimited by a decree by the Minister of Agriculture and Forestry, acting in agreement with the Minister of Industry and Commerce.

In the absence of ministerial regulations delimiting the production area, the latter shall be considered as comprising the entire circumscription of the communes within the territory covered by the name or geographical denomination used as the appellation of origin for the wine.

¹⁾ This is a translation from Italian, as published in French in the *Bulletin de l'Institut national des appellations d'origine des vins et eaux-de-vie*, hut revised by BIRPI.

Article 4

“Controlled” appellations of origin shall be reserved for wines which comply with the conditions and quality standards laid down for each such appellation in the relevant production regulations.

“Controlled and guaranteed” appellations of origin shall be reserved for wines having particular characteristics in regard to quality — suitable for consumption in accordance with the modalities provided for in Article 7 — which comply with the conditions and quality standards specified for each such appellation in the production regulations.

Formal recognition of “controlled” or “controlled and guaranteed” appellations of origin and the delimitation of their production areas shall be constituted by approval of the production regulations, by a decree by the President of the Republic, acting on a proposal of the Minister of Agriculture and Forestry, in agreement with the Minister of Industry and Commerce, after consultation with the National Committee referred to in Article 17.

The said decree shall determine the date of entry into force of the provisions contained in the production regulations and may, if necessary, establish transitional provisions.

The decree shall be published in the *Gazzetta Ufficiale* (Official Journal).

Wines obtained wholly or in part from direct producing hybrid vine-plants shall not be entitled to the “controlled” and “controlled and guaranteed” appellation of origin.

Article 5

The production regulations referred to in the foregoing article shall determine:

- (a) the appellation of origin of the wine;
- (b) the delimitation of the production area of the grapes. Such production area shall comprise the territories included in it under decrees by the Ministry of Agriculture and Forestry issued in pursuance of Law No. 1164 of July 10, 1930;
- (c) the production conditions (natural characteristics of the area, vine-plants, vineyard planting and cultivation methods, maximum yield of grapes authorized per hectare, techniques of preparation, also for special wines, any necessary corrective practices by the addition of grapes, must or wine from other production areas, and the limits of such corrections);
- (d) the maximum yield of the grapes in must and wine;
- (e) the physical, chemical and organoleptical characteristics which the wines must present, and the minimum natural alcohol content;
- (f) the modalities, conditions and any territorial limitations either regarding vinification outside the production area in accordance with practices customary therein, or regarding the preparation of liqueur and sparkling wines outside the area of origin of the products.

The production regulations may prescribe:

1. a gradual increase in the grape-must-vine ratio referred to in (d) above, in order to achieve maximum quantities;
2. provisions regarding capacity, type of recipients and characteristics relating to the putting up of wine for re-

tail sale, as well as rules to guarantee indications of the year of production;

3. provisions concerning the use of indications in addition to the appellation of origin, other than those established under Article 16 (a) of this decree;
4. a tasting test, at the time of bottling, limited to wines with “controlled” and “guaranteed” appellation of origin, and determine the modalities;
5. the use of the additional qualification “traditional” with the “controlled” or “controlled and guaranteed” appellation of origin for the product of the oldest area of origin, if the production area also comprises other territories. In the case of the “Chianti” appellation of origin, this specification shall be afforded solely to products of the “*Chianti classico*” (“traditional Chianti”) area as delimited by the interministerial decree of July 31, 1932.

By decree of the President of the Republic, acting on a proposal by the Minister of Agriculture and Forestry, in agreement with the Ministers of Industry and Commerce, Finance and External Trade, authorization may be granted, within the framework of the particular requirements of foreign markets, for wines to be put up in a manner differing in some respects from that prescribed in the production regulations, and furthermore for the minimum alcohol content of such special wines to differ from those laid down in the said production regulations.

The production regulations shall cover the prevailing local usages likely to afford, maintain and improve the quality characteristics which have earned repute for the appellation on the market.

Article 6

Any application for recognition of “controlled” and “controlled and guaranteed” appellations of origin shall be submitted by the interested parties to the appropriate Agricultural Inspection Service which shall publish the application with the legal announcements of the province and shall transmit it to the Ministry of Agriculture and Forestry together with an opinion given by the regional Agricultural Committee provided for in Article 5 of Decree No. 987 of the President of the Republic dated June 10, 1955, supplemented, pursuant to Article 3 of Law No. 454 of June 2, 1961, by technicians who are particularly qualified and expert in agricultural development problems and have been designated by the economic and syndical offices and organizations of the region.

The following documents, in triplicate, must be attached to the application:

- (a) a report illustrating and proving the local usage of the appellation of origin of the wine to which the application refers, together with full substantiating documents. The latter must indicate the precise reasons for any proposal that the area should comprise adjoining territories;
- (b) an indication of the production area (to be specified on a map of scale 1/25,000) from which the grapes for vinification derive, with a statement on the situation of the vineyards and the geological nature of the soil;
- (c) an indication of the average annual wine output presumed to be entitled to the appellation;

- (d) an indication of the principal vine varieties producing the grapes used in the preparation of the traditional product, and the respective proportions thereof;
- (e) an indication of the percentage limits of any correction which may be necessary by the addition of grapes, must or wine from other sources, and of other local practices concerning the preparation and putting-up of the product;
- (f) an indication of the principal physical, chemical and organoleptical characteristics of the product, as well as its minimum natural alcohol content.

In addition to the documents mentioned in the foregoing paragraph, documentary proof must be furnished to show that the application for recognition of "controlled and guaranteed" appellations of origin is supported:

- (a) by a number of producers representing not less than 30 per cent of the total production in the case of appellations relating to sparkling or liqueur wines;
- (b) by not less than 20 per cent of the vine-growers who account for not less than 20 per cent of the total production of the vineyards whose vines are inscribed in the register referred to in Article 10 in the case of wines other than those referred to in (a) above.

The persons referred to in (a) and (b) above must declare their readiness to accept the special regulations provided for in Article 7.

The provisions of the foregoing paragraphs shall also be applicable wherever it is desired to transfer a wine from the category with "controlled" appellation of origin to that with "controlled and guaranteed" appellation of origin.

The application, together with its supporting documentation, shall be transmitted by the Minister of Agriculture and Forestry to the National Committee provided for in Article 17 for its opinion, which shall be given not later than 90 days following the date on which it is received.

Article 7

For consumption, wines with "controlled and guaranteed" appellations of origin must be placed in glass containers, bottles or other receptacles with a capacity of less than 5 litres, bearing the indications referred to in Article 16 of this decree as well as a State seal which shall be applied by the preparer in such a manner that the liquid cannot be extracted from the receptacle unless the seal is broken.

In addition to the State emblem, the seal shall bear the words "Ministry of Agriculture and Forestry", controlled and guaranteed appellation of origin, together with the appellation. It shall bear a class indication and identification number.

The other characteristics as well as the regulations to govern the manufacture, use and control of seals, the price of which shall not exceed 3 liras per litre, shall be established by a decree of the President of the Republic, acting on a proposal of the Minister of Agriculture and Forestry, in agreement with the Minister of Industry and Commerce, and the Minister of Finance. The same decree shall indicate the offices responsible for issuing seals.

The revenue from the sale of seals shall accrue to the State budget.

Article 8

As from the date of entry into force of the decrees of recognition referred to in Article 4, "controlled" or "controlled and guaranteed" appellations of origin may be used only in accordance with those decrees.

As from the same date, it shall be prohibited to qualify, whether directly or indirectly, products bearing the "controlled" or "controlled and guaranteed" appellation of origin in any manner not expressly authorized by the decrees of recognition.

In the absence of provisions, this prohibition shall not apply to the use of genuine geographical sub-denominations (for example, name of the farm, estate, commune, or village).

The use of geographical names included in the genuine addresses of houses, cellars, estates, farms and the like shall not be considered as constituting the use of an appellation of origin for the purposes of this decree, provided that the letters used for indicating them are not more than 3 millimetres high and 2 millimetres wide and in any event not more than one quarter of the height and width of those used for the appellation of the product and for the name of the firm or producer, merchant or the firm which bottled the product.

The official recognition of a "controlled" appellation of origin precludes the use of that appellation of origin as a "simple" appellation of origin. The official recognition of a "controlled and guaranteed" designation of origin precludes the use of that appellation of origin either as a "controlled" or as a "simple" appellation of origin.

Article 9

The use of a "simple", "controlled" or "controlled and guaranteed" appellation of origin on labels, containers, packing, price lists or invoices constitutes a declaration that the wine is in conformity with the appellation used.

CHAPTER II

Viticultural land register

Declaration and control of production

Article 10

In the areas producing wines with "controlled" or "controlled and guaranteed" appellations of origin, the vineyards intended for production of such wines must be recorded in a public register specially opened by each Chamber of commerce, industry and agriculture.

Inscription in the register shall take place upon request by the producer transmitted by the commune with an endorsement by the agricultural inspector of the province certifying that the vineyard complies with the prescribed conditions. Where a consortium exists, as referred to in Article 21, the agricultural inspector of the province may avail himself of its co-operation for making any necessary verifications.

The declaration referred to in the foregoing article must be presented within six months following the planting of vines. Declarations relating to vineyards in existence prior

to the date of entry into force of this decree must be presented within six months following that date.

The producer shall declare, through the communal offices, and within a period of sixty days, any variations in the status of a vineyard, and likewise any modifications in methods of cultivation.

If public officials responsible for the repression of fraudulent practices in the preparation and trade of agricultural products, and likewise the consortiums referred to in Article 21, learn of the existence of variations or modifications which have not been declared, they shall so inform the Agricultural Inspection Department of the province which, after making the appropriate verifications, shall order the necessary amendments to be made to the viticultural land register.

Article 11

Any person cultivating a vineyard duly inscribed in the land register, whether under specialized or mixed crops, who wishes to sell his product with a "controlled" or "controlled and guaranteed" appellation of origin shall declare to the competent Chamber of commerce, through the intermediary of the commune, within ten days following the end of the vintage, the volume of grapes produced and, if already sold, the name and address of the purchaser, together with the name of the vineyard from which the product originates.

The Chamber of commerce shall, through the intermediary of the commune, issue a fractionable receipt to the producer corresponding to the volume declared.

The receipt shall include the following information:

- (a) volume of grapes and corresponding appellation of origin;
- (b) situation of vines producing the grapes and place of destination;
- (c) name and address of the producer and, if the product has been sold, of the purchaser and the person to whom consigned;
- (d) date of presentation of declaration.

Persons required to declare production and stocks of wine in pursuance of Decree No. 1315 of the President of the Republic, dated December 14, 1961, shall indicate, in the declaration and separately from other products, the quantities of wine with "controlled" or "controlled and guaranteed" appellation of origin, specifying for each such wine the relevant appellation, the quantity of grapes used, and the reference data of the grape yield declaration, and of the receipt covering that quantity.

Article 12

A producer who has ceded or who will cede to a third party the grapes declared or the must and wine obtained therefrom, must transfer to the purchaser, by means of an annotation in the space provided for this purpose, the receipt for the grape yield declaration or portions thereof which the purchaser shall attach to the register of stock entries and issues, provided for in the following article.

Article 13

Industrial and commercial undertakings dealing in wine with "controlled" or "controlled and guaranteed" appellation of origin shall be required to keep a register of entries

and issues from stock, in which they shall record, upon entry, their own production or that acquired from third parties, attaching the corresponding grape yield declarations and invoices, and upon issue, the quantities sold, with reference data of the invoices issued.

Retailers who do not put up the products in bottles or other containers shall be exempt from the obligation to keep a register of entries and issues. They must, however, keep all invoices of wine purchases for three years.

Producers of sparkling and liqueur wines with "controlled" or "controlled and guaranteed" appellation of origin must in addition keep:

- (a) a production register for products prepared by them;
- (b) a register of the raw materials entering their premises for processing, indicating also the issues as and when they are used and inscribed in the register of products obtained.

Article 14

Acting on a proposal by the Minister of Agriculture and Forestry, in agreement with the Minister of Industry and Commerce and the Minister of Finance, the President of the Republic shall issue decrees establishing the rules to govern:

- (a) the maintenance of the viticultural land register, referred to in Article 10, as well as formalities for applying for inscription therein and for declaring variations;
- (b) the production declaration and the corresponding receipt provided for in Article 11;
- (c) the maintenance of the registers prescribed in the preceding article.

Article 15

In the case of products put up in containers other than those referred to in Article 16, individual or associated vine-growers, industrialists and wholesalers dealing in wines entering into trade with "controlled" or "controlled and guaranteed" appellation of origin must indicate in clear and indelible characters on the containers or on the labels affixed thereto, on the invoices and transport documents, their own name or the registered name of company, and the registered offices thereof, together with the address of the establishment in which the product was put up for sale, if different from the registered offices.

Persons who offer for sale products put up by third parties in containers bearing a seal are not bound by these obligations.

Article 16

Bottles or other recipients with a capacity of not more than 5 litres, containing wines offered for sale with "controlled" or "controlled and guaranteed" appellation of origin shall bear the following indications on the recipient or on the label, in clear and indelible characters:

- (a) the appellation of origin under which the wine is offered for sale, and immediately thereunder the reference "controlled appellation of origin" or "controlled and guaranteed appellation of origin";
- (b) the quantity of the product actually contained in the recipient, indicated thus: "Net contents . . . litres";
- (c) the name and first name or the registered name and office of the producer or producing establishment or, where

bottling is not carried out by the producer, the name and first name or the registered name and office of the establishment which bottled the product;

- (d) "wine bottled by the original producer" or "wine bottled in the production area" or other equivalent indications, according to whether the product is bottled by the producer or by third parties, in the production area or outside it.

The establishment which bottles the product shall be responsible for ensuring that the product complies with the requirements in all respects and that the indications shown on the label or container are exact.

CHAPTER III

Establishment of National Committee for the protection and control of appellations of origin

Article 17

There is hereby established a National Committee for the protection and control of appellations of origin.

The rules relating to the organization and functioning of the Committee shall be established by a decree of the President of the Republic, acting on a proposal by the Minister of Agriculture and Forestry, in agreement with the Minister of Industry and Commerce¹).

Article 18

The National Committee shall have the following tasks:

- (a) to express its opinion in the sense of Articles 4 and 6 by formulating and proposing to the Ministry of Agriculture and Forestry production regulations for wines with "controlled" or "controlled and guaranteed" appellation of origin;
- (b) to propose on its own initiative, in the absence of any request from the interested parties or the Chambers of commerce, decrees officially recognizing "controlled" and "controlled and guaranteed" appellations of origin, after the Regional Agricultural Committee has given its opinion;
- (c) to co-operate with the competent organs of the State administration in order to ensure observance of the present decree and of the production regulations concerning wines with "controlled" and "controlled and guaranteed" appellation of origin;
- (d) to propose or take action regarding studies and promotional measures for improving production and propagating the products to which this decree relates;
- (e) to take action in Italy and in other countries in order to protect "controlled" or "controlled and guaranteed" appellations of origin in accordance with the provisions of legislation and international treaties and to avail itself of the co-operation of the voluntary consortia provided for in Article 21;
- (f) to carry out all tasks entrusted to it by the competent authorities within its statutory field of activity in order to ensure the effective implementation of this decree.

The deliberations of the Committee as referred to in paragraphs (a) and (b) of this article shall be published in the *Gazzetta Ufficiale della Repubblica* (Official Journal of the Republic) so that any representations or counter-proposals can be submitted by those concerned to the Ministry of Agriculture and Forestry within sixty days following the date of such publication.

Article 19

The National Committee may make all enquiries which it considers appropriate, within the framework of its mandate, and may conduct hearings of interested parties who may be assisted by their technical advisers.

The National Committee may invite Chambers of commerce with territorial competence to give an opinion on proposed production regulations for wines with "controlled" or "controlled and guaranteed" appellation of origin.

Article 20

The deliberations of the Committee shall be transmitted within fifteen days following their adoption to the Ministry of Agriculture and Forestry, the Ministry of Industry and Commerce and the Ministry of External Trade.

CHAPTER IV

Voluntary consortia

Article 21

The Minister of Agriculture and Forestry, acting in agreement with the Minister of Industry and Commerce, may, following a recommendation by the Committee provided for in Article 17, publish a decree in the *Gazzetta Ufficiale* (Official Journal) entrusting the task of supervising observance of this decree and of the production regulations to voluntary consortia for the protection of wine with "controlled" or "controlled and guaranteed" appellation of origin, and authorizing them to bring suit for damages in penal proceedings and to issue to their members the State seals provided for in Article 7. Each consortium shall only be able to supervise its own members.

The task of supervision shall be entrusted only to consortia:

- (a) whose membership includes not less than 30 per cent of the producers and not less than 30 per cent of production in the case of designations relating to sparkling or liqueur wines;
- (b) whose membership represents not less than 20 per cent of the producers in the area and not less than 20 per cent of the yield of the total surface of vineyards inscribed in the land register provided for in Article 10, in respect of the corresponding designation of origin in the case of wines other than those referred to in (a) above;
- (c) which have statutes permitting the admission to the consortium, without discrimination, of individual or associated vinegrowers and interested industrialists or merchants;
- (d) which undertake to carry out supervision in an effective and impartial manner.

¹ The detailed provisions on the composition of this Committee have been omitted here. (Ed.)

The officers of these voluntary consortia who are responsible for carrying out supervision shall act as agents of the judiciary police, in accordance with Decree-Law No. 2023 of October 15, 1925, which later became Law No. 562 of March 18, 1926, and subsequent amendments and codification, being the part thereof relating to supervision of the proper use of the appellation which the consortia are established to protect.

In any event, the supervisory powers of the Ministry of Agriculture and Forestry and of other public administrations are maintained.

Article 22

The task of supervision may be entrusted to a single consortium even for several wines, if they are included under a single "controlled" or "controlled and guaranteed" appellation of origin.

The consortia entrusted with this task shall be subject to supervision by the Ministry of Agriculture and Forestry.

Any amendments to the statutes of consortia must be approved by the Ministry of Agriculture and Forestry, acting in agreement with the Ministry of Industry and Commerce.

Article 23

Any request for authority to supervision the production and marketing of a wine with "controlled" or "controlled and guaranteed" appellation of origin shall, after publication in the provincial bulletin of legal announcements by and at the expense of the consortium concerned, be submitted by the legal representative of the consortium to the Ministry of Agriculture and Forestry, together with the following documents:

1. a list of the associates with a certification by the competent Chambers of commerce, industry and agriculture to the effect that the requirements laid down in Article 21, paragraphs (a) and (b) are complied with;
2. an authentic copy of the constitution and statutes of the consortium;
3. a report on the technical and administrative organization of the consortium and on the financial resources available to it for carrying out supervisory functions.

The request and the above-mentioned documents must be addressed in triplicate to the Ministry of Agriculture and Forestry, and an additional copy to Ministry of Industry and Commerce.

Article 24

The Ministry of Agriculture and Forestry may by decree, acting in agreement with the Minister of Industry and Commerce, order the dissolution of the Boards of consortia which have been granted the authority referred to in Article 21 above if, after having been reminded of the obligations deriving from legislation, regulations and statutory provisions, they persist in infringing them or if failure to take adequate action on the part of consortia, or other circumstances, results in abnormal functioning of the consortia to the detriment of the responsibilities entrusted to them.

In the event of dissolution, a government commissioner shall be appointed to administer the consortium temporarily and, within a period of three months, to convene a meeting of its members in order to appoint a new Board.

In serious cases, in particular if the supervisory functions have not been carried out impartially, the authority delegated to the consortium may be revoked by a decree of the Minister of Agriculture and Forestry, acting in agreement with the Minister of Industry and Commerce. Such revocation may also be declared if the number of members of the consortium falls below the limits established in Article 21, third paragraph.

CHAPTER V

Provisions for the repression of fraud and unfair competition

Article 25

The officers, including officials of the consortia referred to in Article 21 of this decree, responsible for carrying out supervision for the repression of fraudulent practices in the preparation and marketing of agricultural products, may freely enter the premises where wines and must covered by this decree are produced and stored, in order to verify the production declarations referred to in Article 11 and the proper maintenance of the registers prescribed in Article 13, and to take samples of must or wine.

The occupants may not oppose such verifications. They are required to declare to the above-mentioned officers the quantity of must or wine contained in the barrels, casks and vats.

For purposes of verification and inspection, the capacity of the above-mentioned recipients shall be marked thereon in indelible letters not less than 10 centimetres high, with a maximum tolerance of 4 per cent in relation to the actual capacity.

Article 26

Any person who produces, sells or trades in the products to which this decree relates shall be required, upon request by an official or officer, to produce samples of the product, wherever it may be.

The said samples shall be taken by the above-mentioned officials or officers, not less than five samples being taken for each verification of which two shall be handed to the producer or merchant.

As regards the taking of samples, analysis and all other actions relating to verification that the rules contained in the present decree are being applied, the provisions of Decree-Law No. 2023 of October 15, 1925, subsequently Law No. 562 of March 18, 1926, and those of the regulations approved by Decree No. 1361 of July 1, 1926, and subsequent amendments and additions thereto shall be observed, to the extent that they are applicable.

Article 27

Any person who produces, sells or in any way offers for consumption wines with a "simple" appellation of origin, which do not comply with the criteria set forth in Article 3, shall be liable to a term of imprisonment not exceeding six months in duration or to a fine of from 10,000 to 50,000 liras for each hectolitre of the product or fraction thereof.

Article 28

Any person who produces, sells or in any way offers for consumption wines with a "controlled" or "controlled and

guaranteed" appellation of origin which do not comply with the quality standards specified for the use of such appellation shall be liable to a term of imprisonment not exceeding one year in duration and to a fine of from 20,000 to 100,000 liras for each hectolitre of the product or fraction thereof.

In the case of infringements relating to slight differences in the alcohol content or to the provisions on labels, the term of imprisonment shall not be applied and the fine shall be reduced to one quarter.

Article 29

Any person who forges or tampers with the seals referred to in Article 7 or who introduces into the territory of the State, or who purchases, holds or transfers to third parties or who makes use of forged or falsified seals shall be liable to a term of imprisonment of from six months to three years and to a fine of from 100,000 to 200,000 liras.

Article 30

The provisions of Articles 27 and 28 shall not be applicable to a merchant who sells, offers for sale or in any way delivers for consumption wines with a "simple", "controlled" or "controlled and guaranteed" appellation of origin in the original presentation, except in cases where the merchant is aware of the infringement or if the original presentation shows signs of having been tampered with.

Article 31

Any person who uses the "controlled" or "controlled and guaranteed" appellations of origin, for wines not having the requisite qualities to justify the use of such designations, together with the words "type", "flavour", "usage", "methods" or the like or who uses terms which distort the said appellations or superlatives or diminutives thereof, or who uses indications, illustrations or symbols which might mislead the purchaser, shall be liable to a term of imprisonment of not more than two months in duration and to a fine not exceeding 200,000 liras.

The same punishments shall also apply when the terms or the altered appellations referred to above are reproduced on the packaging or wrapping or in advertisements.

Article 32

Any person who adopts a "controlled" or "controlled and guaranteed" appellation of origin as a trade or business name and uses it as such shall be liable to a fine of from 20,000 to 200,000 liras.

The provisions of the foregoing paragraph shall become effective one year following the date of entry into force of the decree recognizing the appellation of origin.

With respect to business firms already in existence at the time of publication of the present decree, the Minister of Agriculture and Forestry, acting in agreement with the Minister of Industry and Commerce, after having consulted the National Committee, may authorize the use of the former appellation or trade name on previously approved labels.

Article 33

Any person who fails to make the declaration referred to in Article 10, paragraphs 2 and 4, shall be liable to a fine

of from 5,000 to 30,000 liras for each hectare or fraction thereof not declared, the amount of such fine not to exceed 100,000 liras.

Article 34

Any person who, when making the declaration referred to in Article 11, paragraphs 1 and 4, declares a volume of grapes or wine in excess of that actually produced shall be liable to a fine of from 2,000 to 10,000 liras for each excess quintal or fraction thereof.

Article 35

Any person who enters or causes to be entered false information in the registers provided for in Article 13 shall be liable to a term of imprisonment not exceeding six months in duration and to a fine of not more than 200,000 liras.

Article 36

Any person who contravenes the provisions of Articles 15 and 16 of this decree shall be liable to a fine of from 10,000 to 200,000 liras, unless the deed constitutes a more serious offence.

Article 37

Any person who deliberately impedes the carrying out of the verifications referred to in Article 25 of this decree, or who refuses to make the declaration referred to in the second paragraph of that article or who makes inaccurate declarations shall be liable to a fine of from 20,000 to 300,000 liras.

Article 38

Upon conviction for any of the offences provided for in this decree, the sentence shall be published in two of the most widely-circulated newspapers in the region, one of which shall be a daily and the other a technical publication. In cases of particular gravity or of repeated offence, the product may be confiscated and the establishment, cellar or shop in which it was held may be closed for a period not exceeding twelve months.

Article 39

With effect from the 180th day following publication of the production regulations for each wine, it shall be prohibited in propaganda, publicity and trade:

- (a) to qualify as "traditional" a wine which has not been officially recognized as such by one of the ministerial decrees issued pursuant to Law No. 1164 of July 10, 1930, or by Presidential decrees issued pursuant to Article 4 of the present decree;
- (b) in the designation of a wine or of the corresponding territory, to use qualifications or terms such as "disciplined" or "regulated" or "controlled" or "guaranteed" or "delimited" and the like, in relation to a wine or a territory not entitled to such qualification or term in pursuance of the present decree or of the production regulations provided for in Article 4.

Infringement of the provisions of sub-paragraph (a) of this article shall be punishable by a fine of from 10,000 to 50,000 liras for each quintal of the product or fraction thereof held in stock or sold.

CHAPTER VI

Transitional provisions

Article 40

The provisions of the present law shall be applicable also to must.

Article 41

The provisions of the present decree shall be applicable to "Moscatto Passito di Pantelleria" and "Marsala" wines to the extent that such provisions are not in contradiction with those of Law No. 1068 of November 4, 1950, Law No. 1069 of November 4, 1950, and the implementing regulations approved by President Decree No. 1644 of October 20, 1961.

Article 42

All provisions contrary to the present decree are hereby revoked.

CORRESPONDENCE

Letter from Argentina

By Dr. B. SALOMON, Buenos Aires

Since my last report published in *Industrial Property*, 1962, p. 179, the expectations concerning new patent and trademark laws have not materialized. Nothing further has been heard of Dr. Breuer Moreno's drafts and if the new Government has any intentions of reviving interest in the matter, it has certainly not said so.

On the other hand, in August 1963 an Industrial Design Law was promulgated by the previous Administration (Decree-Law No. 6673/63 dated August 9, 1963). This Law affords protection to original industrial models or designs, which are defined as "the shape or appearances embodied in or applied to an industrial product and which give it an ornamental character". Thus, only non-utilitarian designs or shapes may be covered, whereas the so-called "utility models", i. e. devices which increase the operational usefulness of an article but have not sufficient merit to warrant the grant of letters patent thereon are outside the scope of the new provisions. Argentine design patents will be granted for a term of five years renewable for two more terms of the same duration. If the local patents are confirmations of foreign patents, the total duration of the former may not exceed the life of the latter. Design patents are to be granted by the Patent Office on application to be filed by the author or his assignee. In order to become effective, the Law must be supplemented by procedural rules in the shape of regulations which the Patent Office has prepared and which the Government will eventually promulgate by decree. It is assumed that the decree will come out shortly and as far as it is known, the rules will provide for a very simple registration procedure without any novelty search.

1. — In my previous report, I referred under 4. to the case of *Fromagerie Bel S. A. v. Enrique Ivaldi* concerning the trademark "La Vache qui rit". At that time, the matter was still before the Supreme Court. In that meantime, that Court, by a judgment dated July 23, 1962, has confirmed the judgment of the Appellate Court. It held that whatever may be the letter, the spirit of the trademark law requires that acts that are contrary to the rules of proper conduct be regarded as invalid. Thus, "it must be admitted that the slavish copy of a foreign mark which enables (the offender) to take advantage of the reputation of the products bearing it, is unlawful. In this manner, fair trade practices are enforced and the interests of the consuming public . . . safeguarded . . .".

The Supreme Court did not examine whether the action was statute barred under the provisions of Article 4023 of the Civil Code and confined itself to the statement that this defence had been "dropped" or not been maintained further by the defendants, i. e. on procedural grounds. It is not quite clear what omission by the defendants or their Attorneys was interpreted as dropping of this particular defence. In any case, the Supreme Court did not expressly overrule the previous holdings that actions for cancellation of registered trademarks become statute barred after ten years which is the term fixed in the aforementioned Article 4023 of the Civil Code, so that this doctrine remains in force for the time being.

2. — Although the doctrine laid down in the "Laughing Cow" case goes somewhat further than holdings in similar cases since the mark which was cancelled had been on the Register for 25 years, yet it represents the current of judicial opinions. Even though the law provides that only marks which have been duly registered at the Patent Office are protected, our Courts will often provide redress for the owner of an unregistered trademark which has been used in practice.

In the case *Torres, Bidoggia & Spinelli S. R. L. v. Jonsereds Fabriker AB*, the defendants were a substantial Swedish firm engaged in the manufacture of machines of all kinds, particularly wood-working machines, saw mills, etc. Although they had sold their machines in Argentina for many years, they never registered their trademark "Jonsereds" nor opposed the plaintiffs' application for registration of that trademark for industrial machinery of all kinds in Class 5 which was therefore granted without difficulty in the year 1950. ("Jonsereds" is, I presume, the adjectival form of "Jonsered" which is the name of the place at which the defendants' factory is located and from which they take their name. Thus, the Argentine Patent Office might have raised the objection that the mark consists of a geographical name. However, under our law, geographical names are freely registerable, although they must be shown "in a special manner" unless they are regarded as synonyms for certain goods or types of products, e. g. "Sheffield" for steel products, "Manchester" for textiles or "Detroit" for motor cars. Thus, the geographical connotation of "Jonsereds" would presumably have made no difference to its registerability as

a trademark in our country. Apart from this, the Patent Office was not aware of this fact, as the defendants described "Jonsereds" as a fanciful or coined word).

Six years later the plaintiffs filed additional applications for registration of the trademark "Jonsereds" for ironmongery in Class 10, transport machinery in Class 12, lighting and heating devices in Class 14 and electrical appliances in Class 20. This time, the Defendants opposed on the ground that "Jonsereds" was their name which had been used on a large scale in Argentina, and when plaintiffs brought action seeking to set aside the oppositions and in connection therewith drew attention to their earlier "Jonsereds" registration in Class 5, defendants filed a counter-claim for cancellation of such registration.

Both the Court of First Instance (Judge Carlos E. González Bonorino, judgment of May 15, 1962) and the Appellate Court (judgment dated December 6, 1962) held for the Swedish firm. As the mark had become very well known in Argentina, the Court presumed bad faith on the part of the plaintiffs who were unable to give any plausible explanation of their choice of an exotic sounding name like "Jonsereds". In addition, they had, in fact, applied such mark to a special machine for glueing (wooden) doors, i. e. contraptions that are in the same line as the woodworking machines bearing the trademark "Jonsereds" which are particularly well-known. In other words, in this as well as in the "Laughing Cow" case our Courts afforded protection to the unregistered proprietors of foreign trademarks who were seeking to recover their rights from a party who had acted in bad faith. It is not clear and must therefore remain doubtful until our Courts have had an opportunity of dealing with that point, if the broad doctrine whereby unregistered trademarks are protected, also applies to those cases in which local registrants acted in good faith or in which their bad faith may not be presumed.

3. — As mentioned before, our Courts have enabled the owners of foreign trademarks to recover them from local registrants by virtue of Article 953 of the Civil Code according to which acts that are contrary to the rules of proper conduct or otherwise unlawful are to be regarded as null and void.

The same principle has also been applied to problems that arose in another context. As far back as 1905 the Argentine Courts refused to record the transfer of the trademark "Chartreuse" registered in the name of the Benedictine Abbey to the French Government on the ground that the action taken by the latter in disestablishing the religious orders and seizing their property was tantamount to an illegal confiscation and whilst the Argentine Courts had no jurisdiction over the measures taken in France, they refused to record the new owners of the mark registered in Argentina on the understanding that such mark is subject to our law and that confiscation of property without due compensation is contrary to Article 17 of our Constitution which provides:

"Property is inviolable, and no inhabitant of the Nation may be deprived thereof except by virtue of a judgment founded upon law. Expropriation on the ground of public

utility must be provided by law and compensation previously made."

The judgment rendered by Judge G. Ferrer in the case *E. Lecouturier v. C. M. Rey* and published in the magazine *Patentes y Marcas*, 1905, p. 510, was again mentioned and the doctrine laid down therein applied to a case decided by the Judge José Sartorio on July 16, 1960, entitled "*L. & C. Hardtmuth National Enterprise v. L. & C. Hardtmuth Inc.*".

This case involved the famous "Koh-I-Noor" trademark for pencils, which was the property of a factory located at Budejovice, Czechoslovakia. The business was founded by Franz Edler von Hardtmuth in the year 1896 and remained the property of his descendants, i. e. the Hardtmuth family. At the time the Communists took over in the year 1948, the firm was organized as a co-partnership. All the members of the co-partnership left the country and assigned their rights to a new French limited liability partnership which, in turn, transferred its rights to an American firm, who were the Defendants in the action brought in Argentina.

After taking over the physical assets located at Budejovice for which purpose a firm called L. & C. Hardtmuth National Enterprise, i. e. the plaintiffs in the Argentine action, was formed, the Czech Government first recorded the change of ownership in all the "Koh-I-Noor" trademark records at the Patent Office in Prague. Subsequently, the change of title was likewise recorded in Argentina on the strength of a certificate from the Budejovice Register according to which the old firm, L. & C. Hardtmuth, had changed its name to L. & C. Hardtmuth National Enterprise (the plaintiffs).

In connection with an opposition proceeding, the defendants questioned the validity of the transfer recorded at the Argentine Patent Office and, as mentioned above, the Court of First Instance gave judgment for them, holding that the confiscation effected in Czechoslovakia did not affect the title to the marks registered in Argentina which thus remained the property of the original owners by reason of the territorial scope of the trademark statute and the unconstitutionality of expropriations without compensation under Argentine law.

The National Enterprise appealed from this judgment, but the action was eventually settled by the Czech National Enterprise agreeing to the transfer of the marks to the assignees of the original owners. In other words, they acknowledged the title of the original owners, possibly because they had been unsuccessful in similar suits brought in France, Italy and elsewhere.

It should be noted that in the case of a co-partnership which is deprived of its property by expropriation, it is comparatively easy to prove who is the aggrieved party. Furthermore, although the Czech firm had its official domicile and registered offices at Budejovice, the partners were able to leave the old country and to hold a meeting abroad whereby they transferred the official domicile to another country and assigned the trademark rights belonging to them to a new firm. If the business had been organized as a Czech corporation, it would have been considerably more difficult to ob-

tain redress: As the original recordal of the transfer from L. & C. Hardtmuth to L. & C. Hardtmuth National Enterprise at the Argentine Patent Office shows, such transfer was formally in order and the inherent defect resulting from confiscation could only be brought before a Court of law by the party which was directly affected. If such party had been a corporation organized under Czech law whose shareholders would officially be anonymous, who could have appeared as claimant?

4. — In the most comprehensive sense, trademarks are abridged or embellished indications of origin. Nevertheless, even at the most primitive stage, it is to be assumed that those who applied marks to the goods they had produced, were also interested in advising or attracting new customers. This interest in publicity, as we should now say, was thus never totally absent from the intentions of those who used marks although the importance of publicity is incomparably greater in a modern "consumer" society than in the old society in which production was the first concern. The Argentine trademark law was enacted in 1900 and although modern production methods became fashionable long before, the idea and practices of what we now call publicity was still in its infancy. As a result, a number of modern concepts such as unfair competition, similarity of products which are not included in the same class, etc., are not contemplated in the text of the law and our Courts have to make up for this omission when the occasion arises.

One of the phenomena of modern life which have acquired actual importance but were not considered by the legislator at the time the law was made are publicity slogans. They are catchy phrases to be repeated several times that refer to the goods but are not as a rule used directly upon them.

Two cases involving slogans that came before our Courts may be of interest. In the first one (*Bernardo Rocha v. Frigorifico Armour de la Plata*, judgment of the Buenos Aires Court of First Instance of March 11, 1960, and of the Court of Appeal of November 18, 1960) the plaintiff had coined the phrase "*Amor con Armour se paga*". There is a Spanish saying "*amor con amor se paga*", that is to say "love is love's reward", and the slogan invented by plaintiff involved a play to the similarity between the defendants' name, "Armour", and the Spanish word for love "*amor*". He submitted this slogan to the publicity agents for the defendants who informed him, however, that they or their clients were not interested therein. Subsequently, defendants used the slogan on a considerable scale and plaintiff sought to collect damages on the understanding that defendants had appropriated or made use of his intellectual production and thereby infringed his copyright.

As happens generally in cases of this kind, one of the defences set up by the defendants concerned the paternity of the slogan which defendants' publicity agents claimed to have invented before the plaintiff communicated with them. However, plaintiff was able to satisfy the Court that he was indeed the author and in both instances judgment was given for him on the ground that even the smallest intellectual merit entitles the author of a phrase to legal protection and,

in the case of a slogan which is used for commercial purposes, to damages.

The amount of such damages was fixed by the Court in the following manner: It was shown in the course of the action that during the time under discussion defendants had expended over 6 Million Pesos on *all* their publicity. The Court of First Instance estimated that 20% of that publicity involved the use of or related to the slogan of which plaintiff was the author. On the amount thus fixed, the Court held that plaintiff was entitled to roughly 5.½%, i. e. 70,000 Pesos or slightly more than 1% of the total publicity expenses.

As mentioned before, the Appellate Court confirmed the holding of the Court below. However, as regards the amount of the damages awarded, they expressly pointed out that they regarded it as excessive and only did not reduce it appreciably because the defendants had not raised the point in their assignments of errors.

In the preceding case, the discussion took place between the author of the slogan and the party for whose benefit it was invented and who had actually used it for commercial purposes. The Courts held that the terms of the copyright law should apply to their relations.

As regards the protection of slogans against third parties who may copy or imitate them, I reported previously (see para. 7 of my last "Letter") on the decision in the "*La llama anuncia su fama*" case whereby the Buenos Aires Court of Appeal held that slogans are capable of registration as trademarks, thereby disregarding a precedent set 13 years previously by the Supreme Court. No new case involving this question appears to have come before our Courts in the meantime, presumably because the Patent Office is abiding by the Appellate Court's decision and permits the registration of slogans. The new interpretation of the law has not yet been tested in an infringement case.

5. — The Argentine trademark statute affords protection to trademarks (Art. 1 *et seq.*) as well as to trading styles or names (Art. 42 *et seq.*). However, they are treated differently in that the former are protected by virtue of registration and the latter on the strength of user. Furthermore, as mentioned in another context — see case reported under 1. above — actions for cancellation of a trademark which is confusingly similar to an earlier one become statute barred after ten years pursuant to Article 4023 of the Civil Code, whereas Article 44 of the Statute provides that claims by the owners of trading styles become barred after one year counting from the date of first user. It is understood from the context in which this provision appears that the claims it contemplates are those against other parties using similar names.

However, for many years our Courts have admitted the right of a trademark owner to object to the use of a confusingly similar trading style and vice versa on the understanding that the fundamental reasons for which the law affords protection in either case are identical: To safeguard the interests of whoever has built up a business under a name or a mark against the efforts of unscrupulous competitors who are seeking "to reap where they have not sown"

as well as those of the consuming public which should not be deceived as to the origin of the products which it desires to buy. Very often the names of companies or traders are also used and registered as trademarks.

In the year 1944 the question arose as to the term within which claims concerning the conflict between trademarks and trading styles should become statute barred. In the case *S. A. La Blanca v. Manuel Puente & Cía.*, (judgment by the Court of First Instance, dated November 3, 1944; by the Buenos Aires Court of Appeal, dated September 28, 1945, and by the Supreme Court, dated December 30, 1946) the plaintiff corporation "La Blanca" sought to cancel the registration of the same words effected at the Patent Office nearly ten years prior to the commencement of the action. Whilst the Court of First Instance did not deal with the statutory bar and dismissed the complaint for another reason, both the Court of Appeal and the Supreme Court held that the plaintiffs were not entitled to redress because their right of action became statute barred one year after the registration had been effected in accordance with Article 44 of the Trademark Law. In other words, the Courts applied the provision which deals with conflicts between two owners of trading styles to a case in which the plaintiff being the owner of a trade name challenged the defendants' right to a trademark. They stressed, however, that their ruling only applied to that particular point and left the question open in case the trademark owner should be the plaintiff rather than the defendant.

In a recent case, the Buenos Aires Court of Appeal on November 19, 1963 (in re *Droguería La Estrella v. Lustrol Argentina S. R. L.*) held by a majority vote that the short one-year term also applies to actions brought by the owners of registered trademarks against those using similar trading styles. The Court expressed the opinion that the terms of the trademark law should be applied *in toto* rather than leaving the limitation of actions over to the general provisions of the Civil Code and that as under Article 44 of the trademark statute actions by the owner of one trading style against that of another become barred after one year, there was no reason why this rule should not also be applied to the case at bar which the Court regarded as less serious than if two trading styles had been involved.

The grounds given do not seem completely convincing: The Courts have applied the ten-year rule, which admittedly appears in the Civil Code rather than the trademark statute, to cases involving two trademarks so that there would be no logical or other impediment to applying it also to other actions arising under the trademark law, and it is by no means certain that the conflict of interests is greater when two similar trading styles are involved rather than a trading style and a trademark. The truth is that the question is not contemplated in the law nor was it foreseen by those who framed it in the year 1900. Thus, logical arguments used to justify one interpretation rather than another will always sound rather strained or unnatural, whichever result the judges seek to deduce from the premises. The crux of the matter is that one year is a rather short and ten years a rather long term within which rights may be challenged and

there is no doubt that the new law, whenever it comes, will steer a middle course. In the meantime, it is to be assumed that the doctrine laid down by the Court of Appeal in the case on which we have just commented will be tested on some future occasion by an appeal to the Supreme Court.

6. — Under the terms of the law (Art. 21 and 32), the Patent Office is not empowered to deal with applications that have been formally opposed and failing an amicable settlement, applicants have no option but to bring action in the Courts in order to have the oppositions dismissed. Whilst the law itself does not fix a term within which such action has to be instituted, Article 3 of Decree-Law 12.025-57 — ratified by Law 14.467 — provides for a term of one year counting from the day on which the applicant receives notice of the opposition at the Patent Office. In order to comply with the requirements according to the text of the aforementioned Article, the applicant and plaintiff have to institute Court action and "to file evidence thereof" within the one-year period at the Patent Office, failing which the application is marked abandoned. By a subsequent ruling (regulation No. 9 dated July 16, 1962) the Patent Office has granted an additional term of 10 days within which the certificate showing that suit has, in fact, been commenced within the one-year term may be filed.

Although these provisions would appear to be very fair to all the parties concerned, the Buenos Aires Appellate Court in a decision rendered on October 10, 1963, in re *Lowe Argentina S. A. v. Cycles Motors S. A.* held that the filing of the complaint within the one-year term set by Article 3 of Law 12.025-57 is sufficient in order to comply with that provision and that it is therefore immaterial whether or not evidence as to the legal action is filed at the Patent Office. In a note published in the law review *La Ley* on March 12, 1964, p. 9, Ernesto O'Farrell rightly points out that from the point of view of the clearness and completeness of the public records kept by the Patent Office, it is undesirable that applications which are kept pending by action in the Courts should not be so marked within a reasonable period of time and that the one year applicants have for instituting action, plus the extra ten days for advising the Patent Office provided by the regulations, should be sufficient for any party that pursues its interests with reasonable diligence. Thus, O'Farrell expresses the hope, which the author of this article shares, that the Appellate Court will not maintain its present doctrine in future.

The Court's reasoning was that once the bill of complaint is filed, the matter is removed from the jurisdiction of the Commissioner of Patents who may therefore not deal with the application any more. Thus, his action in marking the application abandoned is regarded as an inadmissible interference of the administrative branch of the Government with the Judiciary. The Court apparently did not take into consideration that Article 3 of Law 12.025-57 does *not* empower the Commissioner of Patents to hold applications abandoned after the expiration of the one-year term — which would indeed be an interference with the judicial branch of the Government in all those cases in which suit has been filed —

but rather regards them as abandoned by the mere effluxion of time. In other words, the Commissioner only records the abandonment and does not pronounce it. It is therefore difficult to understand on what ground the doctrine followed by the Court may be justified as it appears to run counter to the clear text of the law.

7. — The case on which we have just commented is also interesting for another reason: The application had been filed by an individual and transferred to the plaintiff corporation a year and a half later. The Court of Appeal, by the majority opinions of Judges Ortiz Basualdo and Verrier, held that as no evidence was on record to show that the applicant was a trader, he was not legally qualified to register a trademark and that this flaw was not cured by the subsequent transfer of the trademark to a corporation. There was a dissenting opinion by the third member of the Appellate Court, Vocos.

Article 6 of the Trademark Law does, indeed provide that marks "shall belong to the manufacturer, trader or agriculturist who has complied with the legal requirements" and as far back as December 4, 1905, Judge G. Ferrer refused to register a trademark on the ground that the applicant was no trader. However, as Ernesto O'Farrell rightly points out in the note published in the law review *La Ley* which I have mentioned above, the merely legalistic approach to a problem of this kind hardly satisfies the requirements of a fair and just interpretation of the law: In establishing that only manufacturers, traders or farmers may register marks the legislator had, no doubt, in mind that only they are likely to have a legitimate interest in registering trademarks. However, if it is shown that the applicant, although he did not have the necessary legal qualification, acted on behalf of somebody else who did or was otherwise pursuing or defending legitimate interests, there is no reason why his application or the registration granted as a result thereof should be regarded as void.

Fortunately, the Court of Appeal has taken a different view in a later case (*Modcraft S. A. v. Guillermo Kraft Ltda. S. A.*, judgment dated March 9, 1964) in which it was shown that the original applicant was acting on behalf of the plaintiff corporation which was formally established fourteen months later whereupon the application was transferred to it. Judge Ortiz Basualdo stated: "The record shows that the plaintiff corporation was originally interested in registering its name as a trademark and I therefore understand that we should take into consideration this fact that has been proved in order to find a just solution to the problem with which we are dealing. Dessau (i. e. the applicant) acted on behalf of the corporation. Thus, the qualifications of the party which is truly interested should be judged and not those of the applicant who acted as its nominee..." Judge Verrier concurred with this opinion which thereby became the opinion of the Court whereas Judge Vocos who, already in the previous case, had contradicted his brethren delivered a dissent.

It is to be assumed that the question will be brought up again in future cases.

8. — Whilst the register of trademarks kept by the Patent Office is public, there is nothing in the statute or other laws to indicate the extent to which parties are to be presumed to know the facts revealed by the records. The Buenos Aires Court of Appeal had to deal with a case involving this point (*Antonio Ludovico Plaza v. The Nestlé Co. Inc.*, judgment dated March 29, 1962).

In the year 1957 one Zanoni applied for registration of the trademark "Nilda". The application was opposed by The Nestlé Co. Inc., the present defendants, in view of their earlier registration of the trademark "Nido". The matter was eventually settled by the applicant Zanoni's limiting his mark to olives and olive oils, whereupon Nestlé withdrew their opposition. Subsequently, another party, the plaintiff, applied for the trademark "Nilda" for all goods in the Class. Both Zanoni and Nestlé opposed. Plaintiff thereupon acquired the earlier registration by Zanoni and brought action against Nestlé on the ground that "Nilda" and "Nido" are not in conflict.

Without going into the question of confusing similarity between the two marks, the Court of Appeal held that the plaintiff was subject to the terms of the agreement originally made by Zanoni and the defendants with regard to the trademark "Nilda" and should therefore only be permitted to register "Nilda" for the same limited list of goods.

In giving judgment for the defendants the Court relied on Article 3266 of the Civil Code according to which "the obligations contracted by the party who has transmitted an object devolve upon the successor..." Whilst the Court had some doubt as to whether this provision which has been criticized on many occasions is of general application, it decided to apply it to the case at bar on the understanding that in taking over the earlier registration of "Nilda", the plaintiff had implicitly assumed the obligation to which the previous owner had been subject, i. e. not to extend his mark to products other than those set forth in his agreement with the defendants.

Perhaps the Appellate Court went too far in its holding which was contrary to that of the Court of First Instance: When the plaintiff applied for "Nilda" he may have been unaware of both the registration of "Nilda" belonging to Zanoni and "Nido" belonging to Nestlé. When both parties opposed, he removed the first obstacle by purchasing the mark only to find that this action involved him, according to the Court of Appeal, in obligations towards the other opponents which prevented him from prosecuting his application to grant. Supposing the plaintiff had arranged with Zanoni to relinquish his registration rather than transfer it which he could very well have done would the Court still have been of the opinion that he was bound by the arrangement made between him and the owners of the trademark "Nido"?

9. — There has been some patent litigation in which the Appellate Courts of the Province and of the City of Buenos Aires have disagreed on an important point.

In both cases plaintiffs were a well-known foreign concern engaged in the manufacture of washing machines which were patented in the United States and Argentina. The

defendants had obtained letters patent on substantially identical machines which also embodied some more or less unimportant details. They invoked these patents when the plaintiffs called upon them to stop making the machines whereupon plaintiffs instituted the two actions seeking to cancel the defendants' patents on the ground that they were anticipated and also to recover damages.

In both cases the Courts held that the defendants' patents were anticipated by those belonging to the plaintiffs and accordingly cancelled defendants' patents and made orders enjoining them from using the invention in future. In the case that came before the Appellate Court for the Province of Buenos Aires (*Hoover Washing Machines Ltd. v. Talleres Tormat S. R. L.*, judgment dated December 29, 1959) damages were also awarded to the plaintiffs with regard to all those sales which had been effected subsequent to the date on which plaintiffs commenced action. The Appellate Court for the City of Buenos Aires by a judgment dated December 28, 1961, in re *Hoover Washing Machines Ltd. v. Darkel S. A.*, however, refused to award damages. This was a majority decision in that Justice Bidau dissented and took the same view as that expressed by the other Court although no specific reference was made thereto.

The *Corpus Juris* contains the famous principle "*Qui suo jure utitur, neminem laedit*" which has been incorporated in the Argentine Civil Code (Art. 1071) which provides that "the exercise of a right . . . may not be regarded as an illegal act". As the defendants, in making their washing machines, were actually manufacturing them in accordance with the specification and claims set forth in the letters patent granted by the Argentine Patent Office, i. e. a Government agency, the Court for the City of Buenos Aires took it that even though this patent was wrongly granted, the formal legitimation conveyed thereby to the party appearing as the inventor was sufficient to relieve them of any responsibility for damages. The Provincial Court held otherwise. Judge Mallea in rendering the opinion of the Court made the following statement: "In my opinion this (that is to say the fact that the defendants would be relieved of the responsibility for damages by reason of the invalid Argentine patent invoked by them) would be contrary to the spirit of justice and even have the extreme result of justifying the right to obtain an invalid patent in order to enjoy the financial benefits arising therefrom, free from any responsibility until the legitimate patentee might obtain the cancellation . . . The rule laid down in Article 1071 of the Civil Code presupposes the normal exercise of the right by "the owner thereof" as has been held on many occasions . . . it has also been held that the owner of a right is guilty of misuse when he proceeds with malice aforethought or culpable negligence . . .".

Judge Mallea's opinion appears to be more satisfactory than the views expressed by the other Court: Excepting coincidences that are so rare that they may be disregarded for the purpose of establishing a general rule, the later patentee invariably has copied from his predecessor so that it does not appear to be unfair to make him pay for the consequences at least from the moment the validity of his patent is questioned by action in the Court.

OBITUARY

Jacques Secretan

On July 25, 1964, Professor Jacques Secretan, who had retired from his post as Director of the United International Bureaux in January 1963 on reaching the age limit, died at his home in Dardagny near Geneva.

Born in *Suisse romande* — that "extroverted country", as Ramuz has described it — of a family which had settled all over Europe, Jacques Secretan naturally turned his gaze outwards, from his early youth, beyond the limits of his own little country.

After a sound education in Switzerland and Germany, and before he had even come of age, he set out on a great journey round the world, which took him, among other places, to Great Britain, Egypt, India, Australia, New Zealand, the United States of America, and his beloved South Sea Islands where he worked under such masters as Charles Hedley, the Director of the Sydney Museum, and Gustave Julien, Professor at the School of Oriental Languages, Governor of the French Settlements of the South Sea Islands, and Chairman of the Society for Oceanic Studies of which Jacques Secretan was the Secretary.

On his return to Switzerland, he continued his legal studies. Doctor of Law of the University of Lausanne and a barrister of that city, his special interest was international law and, after the first world war, he devoted his attention to the new "international organisation" which was intended, in the minds of its promoters, to place relations between States on a new footing and to instil more humanity and justice into social relationships. It is characteristic that, in his study entitled "Albert Thomas through the eyes of an attaché in his Department", Jacques Secretan should have singled out two sentences on the subject of these two concepts by the man who was in many ways his master: "In relations between States", Albert Thomas had written "there must be a higher authority to intervene, but the higher authority can only take its stand on certain rules of national viability which are at the very root of the new system of public law we wish to institute"; and later: "We must have a common faith on which to base our action, a faith in the higher destiny of man, and a faith in his worth as an individual" (Jacques Secretan: "*Albert Thomas vu par un attaché de son Cabinet*" — reprint from the volume "*Albert Thomas vivant*", Geneva, 1957, pp. 6 and 12).

Better organisation of relations between States, and the furtherance of human dignity — this was the two-fold task that Jacques Secretan endeavoured to accomplish to the best of his considerable ability, in all the posts he filled.

Within the framework of this new international organisation, he was in turn a member of the Secretariat of the Director of the International Labour Office, a member of that institution's legal service, legal adviser at international labour conferences, legal consultant of the International Labour

Office, and, finally, Director of the United International Bureaux for the Protection of Intellectual Property.

In the realm of the peaceful settlement of disputes between States and between private individuals and legal entities, he pursued his activity at the bar in Lausanne and as Registrar of the League of Nations Administrative Tribunal as well as of a number of courts of arbitration. He carried out successfully various international goodwill missions, in particular in the Suez Canal Zone in 1950.

In the field of education and the training of the executives of the future he taught public international law and diplomatic law in a number of institutes and universities, was in charge of the School of Social and Political Sciences of the University of Lausanne, and was invited to give lectures for the Faculties of Law and Economics of the Universities of Strasbourg and Toulouse. The conclusion of his lecture on the "United Nations or Federalism?" is characteristic of his manner of thinking: "In the present international legal order", he wrote, "the international organisation is merely advisory in its relations with independent and sovereign States", whereas "a genuine legal order between nations presupposes institutions of an authoritative and federative nature" (Jacques Secretan: *Nations Unies ou Fédéralisme?* Sirey, Paris, 1958, p. 84).

Finally, on the social plane, developing Albert Thomas's theory that "it is essential that the work of protection and physical liberation (of mankind) should be followed up by that of emancipation and intellectual liberation", he observed in his work, "Experience and Theory", that it should be the concern of chiefs... to encourage, in administration, industry and business, constant instruction on the theoretical side for those who, socially and professionally, have access only to common knowledge, in order to associate them with the common work — as Jaurès wished — and practical instruction, on the other hand, for those who have acquired their knowledge through theoretical channels" (Jacques Secretan: *Expérience et Théorie*, Geneva, 1951, p. 24). Jacques Secretan put these principles into practice, opening wide the doors of his School of Social and Political Sciences in Lausanne to those who had not had the opportunity for theoretical instruction, and offering his own students greater possibilities for practical courses.

But Jacques Secretan was not only a humanist, receptive to the ideals of peace and the brotherhood of man; he was also, from 1953 to 1962, the Director of the United International Bureaux for the Protection of Intellectual Property.

With all the lucidity of the practitioner in international organisation, he drew up the following programme in 1956 in Washington, at the XXVIIth Congress of AIPPI:

"Three years of experience in this Union and thirty years with other intergovernmental institutions have brought me to the following conclusions...:

- (a) Intellectual rights, whether it be a question of patents and trademarks or of copyright, must be protected internationally like all the rights in the Declaration of Human Rights. To this end, they must have the support of a common intergovernmental organisation exclusive to them...
- (b) This intergovernmental organisation must be given its own sphere of competence — intellectual rights — as well as bodies capable of

satisfactorily representing the organisation and the said rights in international relations.

- (c) Finally, the organisation should belong to the great family of the United Nations... " (*Propriété Industrielle*, July 1956, p. 149).

Jacques Secretan spared no effort to carry out this programme. He devoted himself in particular to the problem of the recognition of the competence of the United International Bureaux in matters of intellectual property by all international authorities, and to the task of widening the scope of the Conventions and Agreements administered by the Bureaux. While he was Director, many institutional agreements were concluded between the United International Bureaux and other organisations (UNESCO, the World Health Organisation, the Council of Europe, the Organisation of American States) and, after lengthy preparations, Diplomatic Conferences were held at Nice in June 1957, at Lisbon in October 1958, at The Hague in November 1960, at Rome in October 1961, and at Monaco in November 1961. It was also at the instigation of Jacques Secretan that the United International Bureaux took an active part in the drafting and conclusion of the Paris Convention on New Varieties of Plants in December 1961. These efforts resulted in a considerable expansion of the territorial scope of the Paris and Berne Unions which, at the time of Jacques Secretan's departure, numbered 51 States in the case of the former, and 50 in the case of the latter, as compared with 44 and 43, respectively, in 1953.

Finally, and above all else, Jacques Secretan succeeded in paving the way for the much-needed change-over of the United International Bureaux to a new structure, by setting up advisory bodies, attached to the Director of the International Bureaux, which were subsequently made official by the International Conventions, and by transferring the seat of the United International Bureaux to Geneva, in the "House of Intellectual Rights" which he caused to be built in the very heart of the *Place des Nations* and which he had first mentioned as early as 1957 in his paper to the International Diplomatic Academy on "intellectual rights and the United Nations" (*Propriété Industrielle*, May 1957, pp. 98—102). Jacques Secretan knew that the transformation of the United International Bureaux into that "international intellectual property organisation" of which he had so often spoken — the organisation which in his view was to be "capable of taking its place beside the big intergovernmental organisations and defending the interests of intellectual property inside the family of specialised agencies" (Jacques Secretan: *Vers l'Organisation internationale de la Propriété Intellectuelle*, in "Mélanges Marcel Plaisant", Sirey, Paris, 1960, pp. 179—180) — he knew that this was a long-term project and that it would be left to others to bring it to a successful conclusion; but it was he who had sown the good seed.

The preparations for the forthcoming Stockholm Conference would seem to indicate that the International Organisation for Intellectual Property, which was the great inspiration of Jacques Secretan, is well on the way to becoming a reality.

The harvesters will not forget the merits of the sower.

NEWS ITEMS

Calendar of BIRPI Meetings

Place	Date	Title	Object	Invitations to participate	Observers
Geneva	September 28 to October 2, 1964	Interunion Coordination Committee	Program and budget of BIRPI	Belgium, Brazil, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), Hungary, India, Italy, Japan, Morocco, Netherlands, Portugal, Rumania, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union or of the Berne Union
Geneva	September 30 and October 1, 1964	Consultative Committee and Conference of Representatives (Paris Union)	Triennial budget of the Paris Union	All Member States of the Paris Union	—
Geneva	October 5 to 7, 1964	International Committee of Novelty-Examining Patent Offices	Examination of the problem: "Abandonment of inventions to the public by an international publication of patent applications where the grant of a patent is no longer required"	Australia, Austria, Brazil, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Germany (Fed. Rep.), Hungary, Iceland, Ireland, Israel, Japan, Mexico, Netherlands, New Zealand, Norway, Poland, Rumania, South Africa, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	Argentina, Chile, India, Pakistan, Philippines, USSR; United Nations, Council of Europe, International Patent Institute, Inter-American Association of Industrial Property, International Association for the Protection of Industrial Property, International Chamber of Commerce, International Federation of Patent Agents
Geneva	October 12 to 16, 1964	Committee of Experts concerning the international classification of industrial designs	Study of an international classification of industrial designs	All Member States of the Paris Union	—
Geneva	October 19 to 23, 1964	Committee of Experts for the study of a model law concerning inventions and technical know-how for developing countries	Study of a model law concerning inventions and technical know-how for developing countries	Afghanistan, Algeria, Argentina, Bolivia, Brazil, Burma, Burundi, Cambodia, Ceylon, Chile, China (Taiwan), Colombia, Congo (Leopoldville), Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Ethiopia, Ghana, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Jamaica, Jordan, Kenya, Korea, Kuwait, Laos, Lebanon, Liberia, Libya, Malaysia, Mali, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Tanganyika and Zanzibar, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, Uruguay, Venezuela, Viet Nam, Western Samoa, Yemen	United Nations Organization, Council of Europe, African and Malgasy Industrial Property Office, International Patent Institute, Interamerican Association of Industrial Property, International Association for the Protection of Industrial Property, International Chamber of Commerce, International Federation of Patent Agents