

# Industrial Property

Monthly Review of the United International Bureaux  
for the Protection of Intellectual Property (BIRPI)  
Geneva

4<sup>th</sup> Year

No. 1

January 1965

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# INTERNATIONAL UNIONS

## The Industrial Property Unions in 1964

### The Union for the Protection of Industrial Property (Paris Union)

#### *State of the Union*

*New Members.* The following countries became members of the Paris Union and are bound by the Lisbon text of the Paris Convention with effect from the dates appearing after their names:

Cameroon	May 10, 1964 (p. 66) <sup>1)</sup>
Gabon	February 29, 1964 (p. 23)
Niger	July 5, 1964 (p. 118)
Trinidad and Tobago	August 1, 1964 (p. 139)

These new adhesions brought to a total of 64 the membership of the Union as at *December 31, 1964*. Following its dissolution on December 31, 1963, the Federation of Rhodesia and Nyasaland is no longer listed as a State Member of the Union, but steps are already in progress by which its former component parts will adhere to the Union as independent States.

*Adhesions to Lisbon Text.* Mexico and Norway adhered to the Lisbon text of the Paris Convention with effect from May 10, 1964 (p. 66).

*Texts now in Force.* Of the 64 Member States of the Paris Union, 27 are bound by the 1958 Lisbon text, 32 by the 1934 London text, 4 by the 1925 Hague text, and 1 by the 1911 Washington text (see list of Member States at page 5 below).

#### *BIRPI Meetings*

*Conference of Representatives of the Paris Union.* The first session of this Conference was held at Geneva from September 30 to October 2, 1964. All States Members of the Paris Union were invited to attend. The Conference formally took note of the fact that, as a consequence of its own establishment, the Consultative Committee of the Paris Union (set up by a Resolution adopted at the Lisbon Conference in 1958) had ceased to exist. The Conference adopted its Rules of Procedure, elected the members of its Executive Committee and examined the program and budget of BIRPI on account of the Paris Union for the triennial period 1965-1967 (p. 233).

*Interunion Coordination Committee.* The Second Ordinary Session of the Committee met at Geneva from September 28 to October 2, 1964. All the States Members of the International Union for the Protection of Industrial Property (Paris Union) and of the International Union for the Protection of Literary and Artistic Works (Berne Union) which are not members of the Committee were invited to be represented by

observers. Questions of common concern to both Unions were discussed such as new financial rules, staff matters, the program and budget of BIRPI for 1965. In view of the fact that the Permanent Bureau of the Consultative Committee of the Paris Union has now been replaced by the Executive Committee of the Conference of Representatives of the Paris Union, the Interunion Coordination Committee will henceforth consist of the Member States of the Executive Committee (and not the former Permanent Bureau) of the Paris Union and of the Permanent Committee of the Berne Union (p. 231).

*Working Party for an "Administrative Convention".* Following a decision of the Permanent Bureau (Paris Union) and the Permanent Committee (Berne Union) taken at their joint meeting held in October 1962, the Working Party to revise some of the administrative clauses of the existing Conventions and other Agreements administered by BIRPI and to draw up an "administrative convention" met in Geneva at the Headquarters of BIRPI from May 20 to 26, 1964. The Working Party prepared a draft instrument entitled "Draft Convention of the World Intellectual Property Organization". The draft will be examined by a committee of experts in 1965 (p. 139).

*Study Group on Inventors' Certificates.* At the instance of the Director of BIRPI, a Study Group to examine the question of inventors' certificates in relation to the Paris Convention met at the headquarters of BIRPI from January 27 to 30, 1964. The Study Group was composed of experts appointed by the Governments of ten countries, members of the Paris Union, and observers from the Soviet Union. The question will be further examined in 1965 by a Committee of Experts (p. 67).

*Industrial Property Congress at Bogota for Latin America.* This Congress, convened and organised by the Government of Colombia, and sponsored by BIRPI, met from July 6 to 11, 1964. The Congress discussed questions of industrial property, of special interest to Latin-American countries, in connection with their national legislations and the Paris Convention. Delegates from nineteen Latin-American countries participated; observers included representatives from six non-Latin-American Member States of the Paris Union, of the United Nations, and six other international organizations (p. 164).

*International Committee of Novelty-Examining Patent Offices.* The first session of this Committee was held at the headquarters of BIRPI on October 5 and 6, 1964. Nineteen States Members of the Paris Union were represented; observers from four States not members of the Paris Union and from five international organisations also attended. The following points were discussed: abandonment of inventions to the public by an international publication of patent applications where the grant of a patent is no longer required, industrial property statistics, certain questions in regard to patent office practices, index of corresponding patent applications and corresponding patents (p. 208).

<sup>1)</sup> Unless otherwise indicated, all page numbers in brackets in the present report refer to the pages of *Industrial Property*, 1964.

*Committee of Experts to Examine a Draft Model Law on Patents.* The Committee of Experts to Study Industrial Property Problems of Industrially Less Developed Countries, which met in Geneva in October 1963, recommended that BIRPI should prepare a draft model law for the protection of inventions and technical improvements (*Industrial Property*, 1963, p. 234). A draft model law and an explanatory statement were accordingly prepared by BIRPI and submitted to a Committee of Experts which met in Geneva, at the invitation of BIRPI, from October 19 to 23, 1964. Representatives from 22 countries — all developing — attended the meeting together with observers from the United Nations and other inter-governmental and non-governmental international organizations. The Committee examined the draft model law article by article and expressed its views on possible improvements in both the draft model law and the explanatory statement. The revised texts will be available in 1965 (p. 235).

#### *United Nations*

During 1964, BIRPI continued its collaboration with the United Nations Secretariat in the field of industrial property. Towards the end of 1963, the Secretary-General of the United Nations had published his Report on the "Role of Patents in the Transfer of Technology to Under-Developed Countries" with the preparation of which BIRPI had been closely associated (p. 56).

In 1964, this Report was laid before various United Nations bodies and conferences before reaching its ultimate goal in the current (19<sup>th</sup>) Session of the General Assembly.

The Report was considered by the Third Preparatory Commission in New York for the United Nations Conference on Trade and Development (UNCTAD) and subsequently by UNCTAD itself at its meeting in Geneva from March 23 to June 16, 1964. At both these meetings BIRPI was represented by observers. At the latter, BIRPI prepared and had circulated, as a conference document, a note on the "Role of Patents in the Transfer of Technology to Under-Developed Countries", and the Third Committee, on whose agenda this item appeared, was addressed by the Director of BIRPI. The Conference subsequently adopted without opposition a recommendation that (*inter alia*) "competent international bodies including United Nations bodies and the Bureau of the International Union for the Protection of Industrial Property should explore possibilities for adaptation of legislation concerning the transfer of industrial technology to developing countries..." (p. 141).

BIRPI was also invited to be represented by observers at the 37<sup>th</sup> Session of the Economic and Social Council of the United Nations in Geneva in July 1964 when the United Nations Report on Patents was again considered. The representative of BIRPI addressed the Economic Committee. The Council adopted a Resolution inviting the Secretary-General of the United Nations to make arrangements for the reciprocal exchange of information and documentation and for reciprocal representation at meetings between competent international bodies, including United Nations bodies and the Bureau of the International Union for the Protection of Industrial Property (p. 211).

This Resolution was one of the factors which led to the conclusion of a working agreement between BIRPI and the United Nations. The formal terms of this agreement are contained in an exchange of letters (dated September 28 and October 2, 1964) between the two Secretariats. The Agreement, among other things, provides for mutual representation, in an observer capacity, at meetings dealing with industrial property questions (p. 207).

#### *Meetings of other Organizations*

Among those meetings at which BIRPI was represented in 1964 were the following:

Council of Europe (Committee of Experts on Patents, May 4 to 8, and December 8 to 11); Committee for International Cooperation in Information Retrieval Among Examining Patent Offices (ICIREPAT, October 8 to 15); Inter-American Association of Industrial Property (Constitutive Assembly; p. 146); International Association for the Protection of Industrial Property (Executive Committee; September 13 to 18); International Chamber of Commerce (Industrial Property Commission; March 20 and September 10 and 11); International Federation of Patent Agents (Congress; October 9).

#### *Other Activities*

*BIRPI Training Programme.* With the assistance and co-operation of various national industrial property offices BIRPI granted during 1964, within the framework of its technical assistance programme, fellowships for training to eight Government officials of developing countries who are working or expect to work in the Industrial Property Offices of their countries.

*BIRPI Mission to the Soviet Union.* In response to an invitation from the USSR State Committee for Inventions and Discoveries, the Director and one of the Deputy Directors visited Moscow from June 1 to 3, 1964 (p. 162).

*Publication.* In the course of 1964, BIRPI published the "Manual of Industrial Property Conventions" in three languages, English, French and Spanish. Each edition contains the several texts of the Paris Convention and of the Separate Agreements. Following each text are lists indicating the countries and the dates on which they ratified or adhered to each particular text. The Manuals are bound in loose-leaf volumes, will be kept up to date, and may be ordered from BIRPI.

#### **Madrid Agreement**

##### **for the Prevention of False or Misleading Indications of Source**

*State of the Union.* No new adhesion to this Agreement was effected in 1964.

Cuba, which had previously been bound by the 1911 Washington text, adhered to the texts of The Hague (1925), London (1934), and Lisbon (1958), with effect from October 11, 1964 (p. 187).

At the end of 1964, this Agreement grouped 29 countries of which 7 are bound by the 1958 Lisbon text, 19 by the 1934

London text, and 3 by the 1925 Hague text (see list of parties to the Agreement at page 7 below).

#### Madrid Union

##### for the International Registration of Trademarks

*State of the Union.* No new adhesion to the Madrid Union was effected in 1964.

At the close of 1964, of the 21 Member States of the Madrid Union, 19 were bound by the 1934 London text and 2 by the 1925 Hague text (see list of Member States at page 8 below).

*Nice Text.* Luxembourg ratified the Nice text of the Madrid Agreement on February 12, 1964, invoking the benefits of Article 3<sup>bis</sup> of the text (territorial limitation) (p. 187).

The ratification of the Federal Republic of Germany was notified by the Swiss Government on December 15, 1964 (p. 254). At the same time, the Swiss Government transmitted a note by the Government of the German Democratic Republic (p. 254).

The necessary number of ratifications now having been reached, the Nice text, in accordance with its Article 12 (2), will come into force on December 15, 1966, namely two years after the notification of the twelfth ratification (p. 254).

*Statistics.* During the year 1964, the number of international trademark registrations was 14,423, which is the highest figure thus far attained in any year.

#### The Hague Union

##### for the International Deposit of Industrial Designs

*State of the Union.* No new adhesion to the Hague Union was effected in 1964.

The revised text of the Hague Agreement, signed on November 28, 1960, has so far been ratified by France and Switzerland and is not yet in force.

The Additional Act (which provides for increased fees), signed at Monaco on November 18, 1961, was ratified by Belgium with effect from November 13, 1964 (p. 208).

The 14 countries at present Members of the Union are all bound by the London text of 1934, while the Additional Act which first came into force on December 1, 1962, had, by the end of 1964, been ratified by 6 countries: Belgium, France, Germany (Fed. Rep.), Monaco, Netherlands and Switzerland (see list of Member States at page 8 below).

*Committee of Experts for the International Classification of Industrial Designs.* This Committee met at the headquarters of BIRPI from October 12 to 16, 1964, and drew up a draft, including 32 main classes, for the classification of industrial designs (p. 255).

*Statistics.* During the year 1964, the number of international deposits was 2,113 as against 2,158 in 1963. Open deposits numbered 1,097 and sealed deposits 1,016. A total of 34,056 objects were deposited, of which 1,155 were simple deposits and 32,901 were multiple deposits. Of the 34,056 objects deposited, 20,742 were two-dimensional designs (*dessins*) and 13,314 three-dimensional (*modèles*).

#### Nice Union

##### for the International Classification of Goods and Services to which Trademarks are Applied

*State of the Union.* No new adhesion to the Nice Union was effected in 1964.

The Nice Agreement which first came into force on April 8, 1961, grouped 18 Member States at the close of the year 1964 (see list of Member States at page 9 below).

*Publication.* Implementing a Resolution adopted by the Committee of Experts set up under Article 3 (1) of the Nice Agreement, BIRPI published in French the "International Classification of Goods and Services to which Trademarks are Applied", in one bound loose-leaf volume of 295 pages. The volume is divided into two main parts: Part I lists the goods and services in alphabetical order, and Part II lists the goods and services in alphabetical order *by class*. Editions in other languages are in course of preparation.

#### Lisbon Union

##### for the Protection of Appellations of Origin and their International Registration

*State of the Union.* No new ratification was effected in 1964.

By the end of 1964, this Agreement had still been ratified by only 4 countries: France, Cuba, Czechoslovakia and Israel. Since, under Article 13, this Agreement comes into force only on ratification by five countries, it is not yet in effect.

#### Table of Contracting States

The following table shows the situation of the texts in force at the end of 1964 (see also "Member States of the Industrial Property Unions" at page 5 *et seq.* of this issue).

Instrument	Number of Contracting States					
	Total	Bound by the text of				
		Lisbon 1958	Nice 1957	London 1934	The Hague 1925	Washington 1911
Paris Convention for the Protection of Industrial Property . . . . .	64	27	NA	32	4	1
Madrid Agreement for the Prevention of False or Misleading Indications of Source . . . . .	29	7	NA	19	3	0
Madrid Agreement for the International Registration of Trademarks . .	21	NA	*	19	2	0
The Hague Agreement for the International Deposit of Industrial Designs	14	NA	NA	14 **	0	NA
Nice Agreement for the International Classification of Goods and Services to which Trademarks are Applied . .	18	NA	18	NA	NA	NA

NA: Not applicable.

\* Not yet in force.

\*\* Additional Act of Monaco: 6.

# Member States of the Unions for the Protection of Industrial Property as on January 1, 1965

## International Union for the Protection of Industrial Property (Paris Union)

founded by the Paris Convention (1883), revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934) and Lisbon (1958)

Member States *)	Date on which adhesion to the Union took effect	Latest text by which the State is bound and date on which the ratification of or accession to such text became effective
<i>Australia</i> <sup>1) 2)</sup>	October 10, 1925	London: June 2, 1958
<i>Austria</i>	January 1, 1909	London: August 19, 1947
<i>Belgium</i>	July 7, 1884	London: November 24, 1939
<i>Brazil</i>	July 7, 1884	The Hague: October 26, 1929
<i>Bulgaria</i>	June 13, 1921	Washington: June 13, 1921
<i>Cameroon</i> <sup>1)</sup>	May 10, 1964	Lisbon: May 10, 1964
<i>Canada</i> <sup>1)</sup>	June 12, 1925	London: July 30, 1951
<i>Central African Republic</i> <sup>1)</sup>	November 19, 1963	Lisbon: November 19, 1963
<i>Ceylon</i> <sup>1)</sup>	December 29, 1952	London: December 29, 1952
<i>Chad</i> <sup>1)</sup>	November 19, 1963	Lisbon: November 19, 1963
<i>Congo (Brazzaville)</i> <sup>1)</sup>	September 2, 1963	Lisbon: September 2, 1963
<i>Cuba</i>	November 17, 1904	Lisbon: February 17, 1963
<i>Czechoslovakia</i>	October 5, 1919	Lisbon: January 4, 1962
<i>Denmark</i> <sup>3)</sup>	October 1, 1894	London: August 1, 1938
<i>Dominican Republic</i>	July 11, 1890	The Hague: April 6, 1951
<i>Finland</i>	September 20, 1921	London: May 30, 1953
<i>France</i> <sup>4)</sup>	July 7, 1884	Lisbon: January 4, 1962
<i>Gabon</i> <sup>1)</sup>	February 29, 1964	Lisbon: February 29, 1964
<i>Germany</i>	May 1, 1903	Lisbon: January 4, 1962 <sup>5)</sup>
<i>Greece</i>	October 2, 1924	London: November 27, 1953
<i>Haiti</i>	July 1, 1958	Lisbon: January 4, 1962
<i>Holy See</i>	September 29, 1960	London: September 29, 1960
<i>Hungary</i>	January 1, 1909	London: July 14, 1962
<i>Iceland</i>	May 5, 1962	London: May 5, 1962
<i>Indonesia</i> <sup>1)</sup>	December 24, 1950	London: December 24, 1950
<i>Iran</i>	December 16, 1959	Lisbon: January 4, 1962
<i>Ireland</i>	December 4, 1925	London: May 14, 1958
<i>Israel</i> <sup>1)</sup>	March 24, 1950	London: March 24, 1950
<i>Italy</i>	July 7, 1884	London: July 15, 1955
<i>Ivory Coast</i> <sup>1)</sup>	October 23, 1963	Lisbon: October 23, 1963
<i>Japan</i>	July 15, 1899	London: August 1, 1938
<i>Laos</i> <sup>1)</sup>	November 19, 1963	Lisbon: November 19, 1963
<i>Lebanon</i>	September 1, 1924	London: September 30, 1947
<i>Liechtenstein</i>	July 14, 1933	London: January 28, 1951
<i>Luxembourg</i>	June 30, 1922	London: December 30, 1945
<i>Madagascar</i> <sup>1)</sup>	December 21, 1963	Lisbon: December 21, 1963
<i>Mexico</i>	September 7, 1903	Lisbon: May 10, 1964
<i>Monaco</i>	April 29, 1956	Lisbon: January 4, 1962
<i>Morocco</i>	July 30, 1917	London: January 21, 1941
<i>Netherlands</i> <sup>6)</sup>	July 7, 1884	London: August 5, 1948
<i>New Zealand</i> <sup>1)</sup>	July 29, 1931	London: July 14, 1946
<i>Niger</i> <sup>1)</sup>	July 5, 1964	Lisbon: July 5, 1964
<i>Nigeria</i>	September 2, 1963	Lisbon: September 2, 1963
<i>Norway</i>	July 1, 1885	Lisbon: May 10, 1964

Member States *)	Date on which adhesion to the Union took effect	Latest text by which the State is bound and date on which the ratification of or accession to such text became effective
Poland . . . . .	November 10, 1919 . . . . .	The Hague: November 22, 1931
Portugal <sup>7)</sup> . . . . .	July 7, 1884 . . . . .	London: November 7, 1949
Rumania . . . . .	October 6, 1920 . . . . .	Lisbon: November 19, 1963
San Marino . . . . .	March 4, 1960 . . . . .	London: March 4, 1960
Senegal <sup>1)</sup> . . . . .	December 21, 1963 . . . . .	Lisbon: December 21, 1963
South Africa . . . . .	December 1, 1947 . . . . .	London: December 1, 1947
Spain . . . . .	July 7, 1884 . . . . .	London: March 2, 1956
Sweden . . . . .	July 1, 1885 . . . . .	London: July 1, 1953
Switzerland . . . . .	July 7, 1884 . . . . .	Lisbon: February 17, 1963
Syrian Arab Republic . . . . .	September 1, 1924 . . . . .	London: September 30, 1947
Tanzania <sup>1)</sup> . . . . .	June 16, 1963 . . . . .	Lisbon: June 16, 1963
Trinidad and Tobago <sup>1)</sup> . . . . .	August 1, 1964 . . . . .	Lisbon: August 1, 1964
Tunisia . . . . .	July 7, 1884 . . . . .	London: October 4, 1942
Turkey . . . . .	October 10, 1925 . . . . .	London: June 27, 1957
United Arab Republic . . . . .	July 1, 1951 . . . . .	London: July 1, 1951
United Kingdom of Great Britain and Northern Ireland . . . . .	July 7, 1884 . . . . .	Lisbon: January 4, 1962
United States of America <sup>8)</sup> . . . . .	May 30, 1887 . . . . .	Lisbon: January 4, 1962
Upper Volta <sup>1)</sup> . . . . .	November 19, 1963 . . . . .	Lisbon: November 19, 1963
Viet Nam <sup>1)</sup> . . . . .	December 8, 1956 . . . . .	London: December 8, 1956
Yugoslavia . . . . .	February 26, 1921 . . . . .	The Hague: October 29, 1928
(Total: 64 States)		

## \*) Explanation of type:

**Heavy type:** States bound by the Lisbon text (1958).*Italics:* States bound by the London text (1934).

Ordinary type: States bound by the Hague text (1925).

Bulgaria only is bound by the Washington text (1911).

1) The Convention has been applied, by virtue of Article 16<sup>bis</sup> of the Convention, on the territories of the following States before their accession to full independence as from the dates indicated: Australia (August 5, 1907), Canada (September 1, 1923), Ceylon (June 10, 1905), Indonesia (October 1, 1888), Israel (Palestine, except Transjordan, September 12, 1933 to May 15, 1948), New Zealand (September 7, 1891), Tanzania (except Zanzibar, January 1, 1938), Trinidad and Tobago (May 14, 1908). For the following, the dates are under verification: Cameroon, Central African Republic, Chad, Congo (Brazzaville), Gabon, Ivory Coast, Laos, Madagascar, Niger, Senegal, Upper Volta, Viet Nam.

2) The Convention has been applied to Papua and New Guinea since February 12, 1933, and to Norfolk Island, since July 29, 1936 (the London text has applied since February 5, 1960); The Hague text has been applied to Nauru since July 29, 1936.

3) Including the Faroe Islands.

4) Including the Departments of Guadeloupe, Guiana, Martinique and Reunion; also applied to Overseas Territories.

5) Effective date of ratification by the Federal Republic of Germany.

6) The Convention has been applied to Curaçao and Surinam since July 1, 1890 (the London text has applied since August 5, 1948).

7) Including the Azores and Madeira.

8) The Lisbon text has been applied to Puerto Rico, Virgin Islands, Samoa and Guam since July 7, 1963.

# Separate Agreement for the Prevention of False or Misleading Indications of Source (Madrid Agreement)

founded by the Madrid Agreement (1891), revised at Washington (1911), The Hague (1925), London (1934) and Lisbon (1958)

Member States *)	Original date on which the State became bound by the Agreement	Latest text by which the State is bound and date on which the ratification of or accession to such text became effective
Brazil . . . . .	October 3, 1896 . . . . .	The Hague: October 26. 1929
Ceylon <sup>1)</sup> . . . . .	December 29, 1952 . . . . .	London: December 29. 1952
Cuba . . . . .	January 1, 1905 . . . . .	Lisbon: October 11. 1964
Czechoslovakia . . . . .	September 30, 1921 . . . . .	Lisbon: June 1. 1963
Dominican Republic . . . . .	April 6, 1951 . . . . .	The Hague: April 6. 1951
France <sup>2)</sup> . . . . .	July 15, 1892 . . . . .	Lisbon: June 1. 1963
Germany . . . . .	June 12, 1925 . . . . .	Lisbon: June 1. 1963 <sup>3)</sup>
Hungary . . . . .	June 5, 1934 . . . . .	London: July 14. 1962
Ireland . . . . .	December 4, 1925 . . . . .	London: May 14. 1958
Israel <sup>1)</sup> . . . . .	March 24, 1950 . . . . .	London: March 24. 1950
Italy . . . . .	March 5, 1951 . . . . .	London: March 5. 1951
Japan . . . . .	July 8, 1953 . . . . .	London: July 8. 1953
Lebanon . . . . .	September 1, 1924 . . . . .	London: September 30. 1947
Liechtenstein . . . . .	July 14, 1933 . . . . .	London: January 28. 1951
Monaco . . . . .	April 29, 1956 . . . . .	Lisbon: June 1. 1963
Morocco . . . . .	July 30, 1917 . . . . .	London: January 21. 1941
New Zealand <sup>1)</sup> . . . . .	July 29, 1931 . . . . .	London: May 17. 1947
Poland . . . . .	December 10, 1928 . . . . .	The Hague: December 10. 1928
Portugal <sup>4)</sup> . . . . .	October 31, 1893 . . . . .	London: November 7. 1949
San Marino . . . . .	September 25, 1960 . . . . .	London: September 25. 1960
Spain . . . . .	July 15, 1892 . . . . .	London: March 2. 1956
Sweden . . . . .	January 1, 1934 . . . . .	London: July 1. 1953
Switzerland . . . . .	July 15, 1892 . . . . .	Lisbon: June 1. 1963
Syrian Arab Republic . . . . .	September 1, 1924 . . . . .	London: September 30. 1947
Tunisia . . . . .	July 15, 1892 . . . . .	London: October 4. 1942
Turkey . . . . .	August 21, 1930 . . . . .	London: June 27. 1957
United Arab Republic . . . . .	July 1, 1952 . . . . .	London: July 1. 1952
United Kingdom of Great Britain and Northern Ireland . . . . .	July 15, 1892 . . . . .	Lisbon: June 1. 1963
Viet Nam <sup>1)</sup> . . . . .	December 8, 1956 . . . . .	London: December 8. 1956
(Total: 29 States)		

\*) Explanation of type:

**Heavy type:** States bound by the Lisbon text (1958).

*Italics:* States bound by the London text (1934).

Ordinary type: States bound by the Hague text (1925).

<sup>1)</sup> The Agreement has been applied, by virtue of Article 5 of the Agreement, on the territories of the following States before their accession to full independence as from the dates indicated: Ceylon (September 1, 1913), Israel (Palestine, except Transjordan, September 12, 1933, to May 15, 1948), New Zealand (June 20, 1913), Viet Nam (date under verification).

<sup>2)</sup> Including the Departments of Guadeloupe, Guiana, Martinique and Reunion; also applied to Overseas Territories.

<sup>3)</sup> Effective date of ratification by the Federal Republic of Germany.

<sup>4)</sup> Including the Azores and Madeira.

### Separate Union for the International Registration of Trademarks (Madrid Union)

founded by the Madrid Agreement (1891), revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934) and Nice (1957)

Member States *)	Date on which adhesion to the Union took effect	Latest text by which the State is bound and date on which the ratification of or accession to such text became effective **)
Austria . . . . .	January 1, 1909 . . . . .	London: August 19, 1947
Belgium . . . . .	July 15, 1892 . . . . .	London: November 24, 1939
Czechoslovakia . . . . .	October 5, 1919 . . . . .	The Hague: March 3, 1933
France <sup>1)</sup> . . . . .	July 15, 1892 . . . . .	London: June 25, 1939
Germany . . . . .	December 1, 1922 . . . . .	London: June 13, 1939
Hungary . . . . .	January 1, 1909 . . . . .	London: July 14, 1962
Italy . . . . .	October 15, 1894 . . . . .	London: July 15, 1955
Liechtenstein . . . . .	July 14, 1933 . . . . .	London: January 28, 1951
Luxembourg . . . . .	September 1, 1924 . . . . .	London: March 1, 1946
Monaco <sup>2)</sup> . . . . .	April 29, 1956 . . . . .	London: April 29, 1956
Morocco . . . . .	July 30, 1917 . . . . .	London: January 21, 1941
Netherlands . . . . .	March 1, 1893 . . . . .	London: August 5, 1948
Portugal <sup>3)</sup> . . . . .	October 31, 1893 . . . . .	London: November 7, 1949
Rumania . . . . .	October 6, 1920 . . . . .	London: November 19, 1963
San Marino . . . . .	September 25, 1960 . . . . .	London: September 25, 1960
Spain . . . . .	July 15, 1892 . . . . .	London: March 2, 1956
Switzerland . . . . .	July 15, 1892 . . . . .	London: November 24, 1939
Tunisia . . . . .	July 15, 1892 . . . . .	London: October 4, 1942
United Arab Republic <sup>2)</sup> . . . . .	July 1, 1952 . . . . .	London: July 1, 1952
Viet Nam <sup>4)</sup> . . . . .	December 8, 1956 . . . . .	London: December 8, 1956
Yugoslavia . . . . .	February 26, 1921 . . . . .	The Hague: October 29, 1928
(Total: 21 States) <sup>5)</sup>		

\*) Explanation of type:

**Heavy type:** States bound by the London text (1934).

*Italics:* States bound by the Hague text (1925).

\*\*) The Nice text (1957) will come into force on December 15, 1966, among those countries which have ratified or adhered to it before that date.

<sup>1)</sup> Including the Departments of Guadeloupe, Guiana, Martinique and Reunion; also applied to Overseas Territories.

<sup>2)</sup> Monaco and the United Arab Republic only recognise trademarks registered under the Agreement after the date of their adhesion to the Union.

<sup>3)</sup> Including the Azores and Madeira.

<sup>4)</sup> This Agreement has been applied, by virtue of Article 11 of the Agreement, on the territory of Viet Nam before its accession to full independence since July 15, 1892 (date under verification).

<sup>5)</sup> Turkey withdrew from the Union with effect from September 10, 1956. International registrations in effect on that date continue to be recognised by Turkey until they expire.

### Separate Union for the International Deposit of Industrial Designs (The Hague Union)

founded by the Agreement of The Hague (1925), revised at London (1934) and The Hague (1960) <sup>1)</sup> and supplemented by the Additional Act of Monaco (1961)

Member States *)	Date of Adhesion to the Union	Date on which the State became bound by the London text of the Agreement	Date on which the State became bound by the Additional Act of Monaco
Belgium . . . . .	July 27, 1929	November 24, 1939	November 13, 1964
France <sup>2)</sup> . . . . .	October 20, 1930	June 25, 1939	December 1, 1962
Germany . . . . .	June 1, 1928	June 13, 1939	December 1, 1962 <sup>3)</sup>
Holy See . . . . .	September 29, 1960	September 29, 1960	—
Indonesia <sup>4)</sup> . . . . .	December 24, 1950	December 24, 1950	—
Liechtenstein . . . . .	July 14, 1933	January 28, 1951	—



Member States *)	Date of Adhesion to the Union	Date on which the State became bound by the London text of the Agreement	Date on which the State became bound by the Additional Act of Monaco
<b>Monaco</b> . . . . .	April 29, 1956	April 29, 1956	September 14, 1963
<b>Morocco</b> . . . . .	October 20, 1930	January 21, 1941	—
<b>Netherlands</b> <sup>5)</sup> . . . . .	June 1, 1928	August 5, 1948	September 14, 1963
<b>Spain</b> . . . . .	June 1, 1928	March 2, 1956	—
<b>Switzerland</b> . . . . .	June 1, 1928	November 24, 1939	December 21, 1962
<b>Tunisia</b> . . . . .	October 20, 1930	October 4, 1942	—
<b>United Arab Republic</b> . . . . .	July 1, 1952	July 1, 1952	—
<b>Viet Nam</b> <sup>4)</sup> . . . . .	December 8, 1956	December 8, 1956	—
(Total: 14 States)			

\*) Explanation of type:

**Heavy type:** States bound by the London text (1934) and the Additional Act of Monaco (1961).

*Italics:* States bound by the London text (1934).

1) The text revised at The Hague on November 28, 1960, has been signed by Belgium, France, Federal Republic of Germany, Holy See, Italy, Liechtenstein, Luxembourg, Monaco, Netherlands, Switzerland and Yugoslavia. *This text is not yet in force.*

2) Including the Departments of Guadeloupe, Guiana, Martinique and Reunion; also applied to Overseas Territories.

3) Effective date of ratification by the Federal Republic of Germany.

4) The Agreement has been applied, by virtue of Article 22 of the Agreement, on the territories of Indonesia and Viet Nam before their accession to full independence since June 1, 1928.

5) Including Curaçao and Surinam.

### Separate Union for the International Classification of Goods and Services to which Trademarks are Applied

founded by the Nice Agreement (1957)

Member States	Date on which adhesion to the Union took effect
<b>Australia</b> . . . . .	April 8, 1961
<b>Belgium</b> . . . . .	June 6, 1962
<b>Czechoslovakia</b> . . . . .	April 8, 1961
<b>Denmark</b> . . . . .	November 30, 1961
<b>France</b> <sup>1)</sup> . . . . .	April 8, 1961
<b>Germany (Federal Republic of)</b> . . . . .	January 29, 1962
<b>Israel</b> . . . . .	April 8, 1961
<b>Italy</b> . . . . .	April 8, 1961
<b>Lebanon</b> . . . . .	April 8, 1961
<b>Monaco</b> . . . . .	April 8, 1961
<b>Netherlands</b> . . . . .	August 20, 1962
<b>Norway</b> . . . . .	July 28, 1961
<b>Poland</b> . . . . .	April 8, 1961
<b>Portugal</b> . . . . .	April 8, 1961
<b>Spain</b> . . . . .	April 8, 1961
<b>Sweden</b> . . . . .	July 28, 1961
<b>Switzerland</b> . . . . .	August 20, 1962
<b>United Kingdom of Great Britain and Northern Ireland</b> . . . . .	April 15, 1963
(Total: 18 States)	

1) Including the Departments of Guadeloupe, Guiana, Martinique and Reunion; also applied to Overseas Territories.

## Separate Union for the Protection of Appellations of Origin and their International Registration

founded by the Lisbon Agreement (1958)

This Agreement was signed by Czechoslovakia, Cuba, France, Greece, Hungary, Israel, Italy, Morocco, Portugal, Rumania, Spain, Turkey. Thus far instruments of ratification have been deposited by Czechoslovakia, Cuba, France and Israel. Five ratifications are needed for entry into force. *Consequently, this Agreement is not yet in force.*

## Paris Union

### Change of Class — Netherlands

We have been informed that the Royal Dutch Embassy in Berne has notified the Swiss Federal Political Department that the Netherlands Government wishes to be placed, as from 1965, in Class III instead of Class IV for the purposes of its annual contribution towards the expenses of the International Bureau of the Paris Union.

The Embassy added in its note to the Federal Political Department that the decision of the Dutch Government was prompted by its complete satisfaction with the recent activities of the Bureau.

## GENERAL STUDIES

### The Scandinavian Patent Community

By Professor Berndt GODENHJELM, Helsinki

The 20<sup>th</sup> March, 1964, can be considered as a landmark for Scandinavian patent law. On that day the patent committees of Denmark, Finland, Norway and Sweden gave their joint final report to the Governments in the respective countries<sup>1</sup>). The work had been in progress since 1955, and in 1962 the committees had completed a preliminary report, on which opinions had been obtained from various organizations as well as from official sources. At a joint meeting the opinions received were scrutinized and in the final report due attention was paid to the opinions expressed.

Before the appointment of the committees, a preliminary survey had already been made in Denmark, Norway and Sweden to determine to what extent cooperation between the patent offices of the different countries could be undertaken in order to expedite the work of these offices. In the Nordic

countries, as well as elsewhere, this work had become increasingly difficult to master, partly due to the constantly increasing amount of material which is to be considered as forming part of the state of the art, partly because of the growing number of patent applications and the corresponding difficulties in finding examiners. The preliminary survey resulted in a recommendation to consider the alternative known as the Nordic patent<sup>2</sup>). The question of a Scandinavian Patent Community was then put on the agenda of the Nordic Council. On the 18<sup>th</sup> August, 1954, the Council decided to recommend that the Governments should endeavour to establish the said system. As a result, the patent committees were appointed, with the task of creating a Scandinavian Patent Community. At the same time it was anticipated that necessary alterations in the Patent Acts of the respective countries would be proposed.

The result of the work of the patent committees is a proposal for almost completely uniform Patent Acts in the Nordic countries, including also a proposal for a system of so-called Nordic patent applications. As to the substantive rules of patent law, the proposal to a very great extent unifies these rules; this, of course, is a condition for the establishment of the system of Nordic patent applications. Due to national differences, however, divergences exist, in, for example, the procedural rules. A draft Convention contains certain basic questions in connection with the proposed patent community.

Nordic patent cooperation may be seen as constituting an element in the European endeavours to unify and co-ordinate patent legislation. While the work of the Scandinavian committees was in progress, development in the field of patent law in Europe attained significant results. The Convention on the unification of certain points of substantive law on patents for invention, which was created within the Council of Europe, was signed on the 27<sup>th</sup> November, 1963, by several countries belonging partly to EFTA and partly to the Common Market. At the end of the year 1962 the EEC draft of a European Patent Convention concerning a common European patent for the Convention countries to be granted by a European patent office was published. These different Conventions and proposals have not, however, originated separately but have, on the contrary, been influenced by each other along broader lines. In the centre stands the Convention of the Council of Europe. One of the rapporteurs in the Patent Committee of the Council of Europe was the Director General of the Swedish Patent Office, Mr. Åke von Zweigbergk, who, at the same time, was a member of the Swedish Patent Committee. The Chairman of the Patent Committee of the EEC is the present President of the German Patent Office, Dr. Kurt Haertel, who also was a member of the Patent Committee of the Council of Europe. During the plenary meeting of the Scandinavian committees at the beginning of January 1963, Dr. Haertel placed himself at the disposal of the meeting, answering certain questions concerning the EEC draft. It was therefore not surprising that co-ordination on important points between the results of the various committees was achieved.

<sup>1</sup>) Scandinavian patent legislation. *Nordisk utredningsserie* 1963:6, Oslo 1964.

<sup>2</sup>) Scandinavian Patent Community. *Statens offentliga utredningar* 1952:43, Stockholm 1952.

Thus it may be pointed out that the substantive provisions of the Nordic draft are in conformity with the Convention of the Council of Europe and that its conception is not in conflict with the EEC proposal.

As to the substantive rules in the Nordic draft, it should first be emphasised that it was been the task of the committees to bridge certain contradictions existing at the moment in the Patent Acts of the Scandinavian countries in order to arrive at rules which it is possible for all the countries concerned to accept. The proposed system of Nordic patent applications, to which I shall revert later, presupposes above all that the conditions of patentability are identical in all countries. It becomes, at this point, a question, partly, of what can be made the subject of protection by patents and, partly, of whether the subject of the patent application is an invention within the meaning of the patent law.

In many countries patents cannot be issued in respect of chemical products, but only for the method of manufacturing such products. The same is true for, *inter alia*, medicines. As to the last mentioned, the motives have been of a socio-political nature. The reason for excluding chemical products from patentability was originally supposed to be a theoretical one; it was thought that a chemical product always existed in nature and thus could not be invented but only discovered. This is, of course, not a tenable reason. A chemical industry which, through careful research, has found a new chemical product, usable for a certain purpose, has the same interest in the exclusive right as an inventor of a mechanical device. The reason for excluding chemical products from patentability is therefore in fact that the level of the chemical industry has been deemed so low that its own interest required a free use of foreign products rather than the protection of its own inventions. Such an attitude cannot, however, be upheld in the long run. In the international discussion concerning patents, a serious tendency to depart from the said exceptions from patentability is, therefore, to be noted<sup>3)</sup>.

In the preliminary report it was suggested by the Scandinavian patent committees that all exceptions from patentability as regards chemical inventions, medicines and foods should be abolished. However, when the reports on the submissions were received, it was found that severe criticism of the suggestion came from several quarters. The general opinion was that one should wait and see whether a development in the required direction became apparent in the major industrial countries before it was thought advisable to do away with the said exceptions. Others stressed the importance of granting the same protection to chemical inventions as to other inventions. In the meantime, however, the Convention of the Council of Europe came into being and the EEC draft was published. In neither are the said exceptions upheld. The final Scandinavian proposal does not therefore contain any exception as regards chemical inventions, medicines or foods. The transitional regulations, however, contain a rule to the effect that patents concerning the invention of foods or medicines may not be issued for the product itself until an administrative regulation to this effect has been promulgated, but only for the method of manufacturing such products. In

this manner the social demands on the availability of foods and medicines have been met, while, on the other hand, the possibility of co-ordination with European development in this area has been left open. The Convention of the Council of Europe contains a 10 years' respite, from the date on which the Convention came into force, for the country in question to revoke the exceptions mentioned.

In conformity with Article 4<sup>quater</sup> of the Paris Convention, according to the text adopted at Lisbon, it is suggested that it will be possible to issue patents even if the utilization of the invention would be against rules contained in national legislation. No restriction on patentability in this respect is therefore found in the draft. In conformity with the Convention of the Council of Europe, a restriction as regards the protection of new species of plants and animals has, however, been included in the proposal. Corresponding restrictions are also found in the EEC draft.

The requirement of novelty as a condition of patentability varies in the Scandinavian countries. All the countries have, of course, practised a relative novelty requirement. But while, for instance, open use has constituted a bar to novelty in Danish, Finnish and Norwegian law, provided, however, it has been practised in the country where the application was made, no such restriction exists in Swedish law. In order to consider publication as a bar to novelty, printing is required in the Danish and Swedish Acts, whereas this requirement is not found in the Finnish or Norwegian Acts. In Swedish practice this rule has, however, been given a more liberal interpretation. The committee's proposal is now based upon the principle of absolute novelty. In the state of the art is thus included everything made available to the public, whether by means of a written or oral description, by use, or in any other way (section 2). In this respect conformity is achieved with the Convention of the Council of Europe as well as with the EEC draft.

The Scandinavian patent committees have from the beginning worked with the intention of equating the examination of the so-called prior right with that of novelty and of unifying the rules in this respect. The content of an earlier patent application in the same country is therefore considered as known and is taken into consideration like any other bar to novelty. The condition is, however, that the previous application is made available to the public in accordance with the rules generally pertaining thereto. The proposal is thus, in this respect, carried comparatively far, to the detriment of the subsequent patentee. The preliminary draft was more moderate on this point, equating with the bar to novelty only what had been the subject of a previous application resulting in a patent for the invention. The Scandinavian suggestion ventures in the direction indicated, equating a prior right with novelty as far as the Convention of the Council of Europe permits (cf. Art. 4, section 3 of the Convention). — The corresponding rule in the EEC draft (Art. 11, 3) has been criticized by AIPPI, which has considered the proposal to be illogical, since the rule on novelty and the rule on prior rights were based on two different legal principles<sup>4)</sup>. The

<sup>3)</sup> See, for instance, AIPPI, *Annuaire*, 1954, p. 64 *et seq.*

<sup>4)</sup> See AIPPI, *Annuaire*, 1963, Nouvelle série, n° 13, 1<sup>re</sup> partie, p. 58, cf. p. 65.

criticism seems, however, to be unfounded. It is not permissible to draw conclusions from a stated legal principle, any more than it is permissible to do so from systems previously considered suitable. The legislator must be free to create such rules as he considers suitable in regard to the matter which is to be regulated. In this case the task has been to decide when an invention shall be patentable. As has already been mentioned, the requirement of absolute novelty has been adhered to. If the novelty is considered entirely objectively with no regard to any kind of subjective circumstances of the inventor, one has to recognize that the subject of a patent application is not a new invention, if someone else has already described the invention in a prior application. Objectively considered, this invention already belongs in a latent form to the state of the art. At this point it should, however, be said that the wording of the Convention of the Council of Europe expresses the idea in a better way than does the corresponding wording in the Scandinavian proposal.

It is not possible to mention here all the details concerning the substantive patent law in the Scandinavian proposal. Some further questions should, however, be briefly mentioned.

In the preliminary draft an interesting concept concerning patents of addition was adopted. The rules concerning patents of addition are at the moment divergent in the different Scandinavian countries; the Finnish legislation is here the most liberal in regard to the possibility of changing a patent of addition into an independent patent. Since the rules concerning patents of addition generally were considered to serve an economic interest, no rules regarding those patents were included in the preliminary draft. As the requirements for patentability were identical, whether an independent patent or a patent of addition was applied for, and as the latter were only to a minor extent sought by private inventors, it was found that this set of rules should be omitted. This position, however, met with some criticism in the reports submitted and, since the EEC draft provides for the possibility for a patentee to obtain a patent of addition (in which case less severe requirements are laid down as to the inventive step in relation to the previous patent application) corresponding rules in the Scandinavian proposal in regard to patents of addition (section 8) have been included [cf. also the Convention of the Council of Europe (Art. 5)].

The requirement as to the inventive step has been thoroughly discussed in the Scandinavian report, especially as regards inventions concerning a process for producing chemical products, in which case current patent office practice at the moment is comparatively liberal on the ground that a patent for the product itself is not available. In the report this practice has been categorically repudiated and it has also otherwise been the opinion that a higher degree of inventiveness should be required. The inventive step as a criterion for patentability is taken into account in the draft in connection with the novelty requirement (section 2) and is expressed in a manner similar to that of the Convention of the Council of Europe (Art. 5) and of the EEC draft (Art. 13). As is well-known, the Scandinavian Patent Offices examine the subject

of a patent application, considering novelty as well as the inventive step.

The exclusive right which is conferred through a patent on an inventor or his assignee generally extends, according to the proposal (section 3), to all forms of use to which the invention is put. If the invention concerns a process for manufacturing a product, the patentee has also a so-called indirect product protection. Upon a Danish initiative, a regulation has been inserted, restricting the exclusive right of the patentee so as not to include the use of goods bought in a shop or in any other like manner in the respective patent countries, if the buyer, at the time of buying either knew or ought to have known that the exclusive right was infringed (section 3 mom. 3). The reason for this regulation is to be found in the fact that the present Danish Patent Act does not include usage as such in the exclusive right of the patentee, and that it has been thought desirable in the interests of commerce to protect the good faith of a third party. The patentee has, naturally, a right of action for infringement against the person who has commercially sold the product. For this reason the exception will, in practice, barely have any real restrictive effect at all on the patent right.

One question, which has been thoroughly debated within the Scandinavian committees, is the question of contributory infringement and of so-called indirect patent infringement. It was, however, decided not to regulate this question in the proposed law. The courts should be able to solve on grounds of general tort the question of responsibility for contributory infringement. And with regard to possible independent responsibility for indirect infringement, apart from the question of responsibility for direct infringement, the committees have found such an expansion of the exclusive right unnecessary.

The rules concerning patent infringements are closely akin to the present Finnish and Swedish regulations. For a deliberate patent infringement a fine or imprisonment for a certain limited period is imposed (section 51). Anyone who, deliberately or negligently, commits a patent infringement, shall be liable for reasonable damages which, generally, should correspond to a reasonable licence fee for the use made of the invention and additional compensation for any further damage caused by the infringement (section 52). If the infringer has been negligent only in a minor degree, the compensation may be adjusted accordingly and, if someone has committed an infringement that is not deliberate nor due to negligence and if he has made a profit by the infringement, the infringer, when it is considered reasonable, shall compensate the patentee up to the amount of the profit made. According to an express rule in the Finnish draft, it is always possible, by judicial decree, to forbid the patent infringer to continue or to repeat the action. The rules of the draft concerning infringements apply only to infringements committed after the patent has been issued. For infringements prior to this, a special rule exists which, to a certain extent, modifies the said rule (section 54).

It should also be noted that not only the patentee but also the licensee has been granted the right to bring an action for infringement (section 66). He should, however, notify the patentee.

The rules concerning compulsory licensing are, generally speaking, based on present regulations. As to compulsory licensing due to failure to use an invention, the Lisbon text of the Paris Convention (Art. 5 A 4) has been followed (section 40). Forfeiture on account of non-use is not included. On condition of reciprocity there is a possibility of providing, by application of the rules on compulsory licensing, that working of the invention in a specific foreign country shall be considered as working in the patent country. The rule aims at possible international agreements regarding, for instance, the use of inventions in bigger markets.

In the case of a patent for an invention, the exercise of which is prevented by a patent held by another party, a mutual opportunity is given to obtain a compulsory licence, provided this is found reasonable in view of the importance of the later invention, or if other special reasons exist (section 41). At present there are corresponding rules in the Finnish and Norwegian Patent Acts but not in the Danish or Swedish. An important innovation for all countries is the possibility of a compulsory licence where general interests of extreme importance require such a licence (section 42). The reason for this is to be found in the discarding of the exceptions concerning patents for chemical products, medicines and foods. An attempt has been made to counteract in this manner the socio-political evils which may arise especially if patents have been issued for medicines or foods. But the rule may, of course, be utilized also in other cases, when a general interest of extreme importance so requires. The term "extreme importance" is designed to emphasize that the rule shall only be applied in exceptional cases and that a general weakening of the patentee's exclusive right is not intended<sup>5</sup>).

A special rule on compulsory licensing contemplates the protection of those who, in good faith, have used an invention commercially, when the documents for the patent application have been made available to the public. If the application results in a patent and the person in question has not had any knowledge of the application, nor could reasonably have been in a position to acquire such knowledge, he shall, when there are particular reasons for it, be granted a compulsory licence (section 43). Such a person has the same right if, at the said time, he has made substantial preparations to exploit the invention commercially. Thus we have here a right which, to a certain extent, can be compared with the so-called right of prior use (section 4), but here the situation is that the person in question has started to exploit the invention subsequent to the time when the patent was applied for, but before he has himself been able to acquire any knowledge of this fact and that he will have to pay a royalty to the patent holder. He may have put a considerable amount of money and work into the exploitation of the invention, and it would be a national economic waste to forbid him to continue his activities and to compel him to destroy valuable appliances. The rule is intended to be a true exception and very special circumstances must be present, before a com-

pulsory licence can be issued; considerable economic benefit must be at stake for the individual as well as for the community as a whole. A corresponding rule is found at present in the Finnish and Swedish Patent Acts, and it is alleged not to be in contradiction of the Paris Convention (Art. 4 B), concerning the rights of a third party during the priority period, a rule which obviously refers to a real priority right.

The essential substantive rules in the draft of Uniform Scandinavian Patent Acts have thus been discussed. It remains to give an account of the proposed Nordic patent application system found in chapter 3 of the draft. The application of this chapter presupposes a special Convention on this subject between the Scandinavian countries. The draft of the Convention contains only 6 Articles, of which Article 1 refers to the above-mentioned chapter 3 in the draft Patent Acts. It is presupposed that alterations in the Patent Acts and in the statutes enacted in consequence of them, which are of importance to the system of Nordic patent applications, may be undertaken only after prior consultations with the other contracting parties (Art. 2). In order further to unify Nordic practice in the handling of patents, a new commission will be appointed by the Convention States to follow the application of the new legislation and to participate in the exchange of experience thereon (Art. 4). Already the Nordic patent offices hold periodic consultations, where patent questions of major legal importance are discussed, and where the lines for a uniform handling of patent applications are drawn up.

The system of Nordic patent applications means that a patent claim for one and the same invention for Denmark, Norway, Sweden and Finland, or alternatively for the first three countries only, can be made to the patent office in any of the countries (primary country) for which a patent has been sought. This patent office examines the application which, if it seems likely to result in a patent, is then published at the same time in all countries concerned (secondary countries). Objections to the application can be made in the patent offices of each country. They are then forwarded to the patent office of the primary country. If the patent is granted, the issue covers all the countries for which application was made. At this stage the primary country ceases to handle the case. The common basis is extended only to the application procedure. The patents issued continue as independent patents (cf. the Paris Convention Art. 4<sup>bis</sup>) in the countries for which they have been issued. Thus the patentee has to pay annual fees in each country, if he wishes to maintain the patent. A patent may be the subject of an action for invalidity in any of the countries without this *ipso facto* affecting the validity of the patent for the same invention in the other countries, since the competence of the courts is territorially restricted. Another matter is that a nullity decree in one country may naturally be followed in a corresponding action in another country; and a patentee, whose patent has been declared invalid by a court in one country, should normally let the patent expire in the other countries.

A Nordic patent application, which is made to the patent authorities in Denmark, Norway or Sweden, does not differ as regards the language of the application from a national application in the same country; nor is a translation required

<sup>5</sup> See *Nordisk patentlovgivning, Nordisk utredningsserie* 1963:6, Oslo 1964, pp. 301 *et seq.*; cf. AIPPI, Question 39B, *Annuaire*, 1964, New serie, No. 13, Part two, Report of the Swedish Group by Ö. Grundén, U. Hecht and S. Lewin, pp. 182 *et seq.*

into the language of the secondary countries. It is assumed that anyone concerned, on account of the similarity of the language, will understand patent documents when written in the language of one of the other countries. In the preliminary survey of 1952, it was thought that the patent claims should also be in the languages of the secondary countries, but this requirement has not been retained by the Scandinavian patent committees in their draft. The Finnish language differs, however, essentially from the languages of the other Scandinavian countries and, since the Finnish-speaking part of the population comprises about 90 %, it has been required, for a Nordic patent application which includes Finland, that the description and the claim be made also in the Finnish language. If an application for a Nordic patent is made to the patent authorities in Finland, the description and the claim shall be made in Finnish as well as in Swedish, since the patent documents must be understood in the home country as well as in the rest of Scandinavia. For a national application concerning Finland only, a Finnish citizen is, however, entitled to use his own language, Finnish or Swedish.

In those cases where a Nordic Patent includes all four countries and the patent document is drafted in two languages, Danish, Norwegian or Swedish as well as Finnish, it is naturally quite possible that divergences may occur between what is indicated as protected according to the respective languages. To avoid different interpretations of the patent, the proposal includes specific rules of interpretation.

A Nordic patent application may, under certain circumstances, be changed into a national application in one or more of the countries included in the application. This is necessary, for instance, in those cases where it is found that someone else has previously submitted an application for a patent for the same invention to the patent office of the primary country. A patent can therefore not be issued for that country, and the patent authority can therefore not consider the application which will have to be changed into national applications in the secondary countries. The applicant must in this case advise the patent authorities in the primary country of his intention to pursue the application as a national application, and within a certain time inform the patent authorities in the country where the application is pursued. A corresponding change may be made, if it appears that the patent cannot be issued in one of the secondary countries. An applicant for a Nordic patent may also at the time when he revokes the Nordic application, change the same into a national application or applications. It is, however, not possible for anyone who has applied to one of the Scandinavian country's patent offices for a national patent to change this application into a Nordic patent application.

A Nordic patent application is in principle handled in the same manner as a national patent application. From what has been said above, it becomes evident that an applicant may choose, whether to apply for a patent by a national application in one only or in several Nordic countries, or whether, by way of a Nordic patent application, to seek a patent for all four countries, or alternatively for all countries excluding Finland. For the sake of rationalization, the proposal does

not operate with any other alternatives for the handling of applications on a common basis<sup>6)</sup>.

It is intended that the same application fee should be paid for Nordic and national patents. It is therefore of considerable benefit to the applicant to make use of the Nordic patent application instead of submitting patent applications in several countries.

The system of Nordic patent applications is, of course, not only aimed at helping the applicant, but also at rationalizing the handling in order to avoid unnecessary duplication and thereby to speed up the procedure.

No rule is included in the system of Nordic patent applications as to which Scandinavian patent authorities an applicant from a certain country in regard to an invention pertaining to a specific technical field should submit his Nordic patent application. Both a national and a foreign applicant is therefore free to choose to which patent authorities he wishes to submit his application. When applying the system, it may therefore turn out that the stream of applications will branch out in a manner different from what the committees anticipated and that the patent offices in a particular Scandinavian country may be over-burdened. Such a state of affairs would, of course, bring with it inconveniences and eliminate the desired rationalization. For this reason the proposal includes a rule (section 34), which provides for the possibility of effecting by special statute a transfer of Nordic patent applications, made in one country, to the patent authorities of another country included in the application, to be dealt with there. Such a transfer involves, of course, inconvenience to the applicant, and it is therefore intended that this procedure be avoided by making recommendations as to the country in which the application should be made, when it appears likely that one authority will be over-burdened. A transfer is possible according to the law only in regard to applications made after the date on which a transfer becomes possible through the enactment of the special statute mentioned above, and should not include applications made by persons domiciled in the country of the application.

One of the conditions of the functioning of the system of Nordic patent applications is that each Scandinavian patent authority adopts the same basis in the examination of patent applications. I have already stressed the importance of the legislation concerning, in particular, the pre-requisite of patentability being alike in all countries. Furthermore the joint commission, envisaged in the Nordic draft Convention, was mentioned. Another important factor for uniform practice is the publication of the decisions in patent cases by the Board of Appeals of the patent authorities as well as of the decisions of the highest judicial authorities. Already the Nordic associations for the protection of industrial property publish a common periodical *Nordiskt immateriellt rättsskydd (NIR)* in which such decisions are reported.

The system of Nordic patent applications is intended to be established on the basis of the present structure of the Nordic patent authorities. It has, however, been planned to

<sup>6)</sup> It is possible that this solution will be modified in the final Patent Acts.



create, within the Finnish patent authorities, a special appellate board, similar to the one presently existing in Sweden. On account of national differences, certain divergences prevail between the appellate jurisdictions of the different countries, but these divergences, by themselves, are not considered as an obstacle to the proposed system. The question of a common Scandinavian appellate body for all patent applications has, however, been mentioned in passing in the committee report. Such a body would be of the greatest importance to the maintenance of uniform practice in addition to the measures indicated above. The report does not, however, contain any proposal in this direction, since the survey required might have delayed the carrying out of the reform aimed at in the report. It is, however, possible that a separate survey concerning a Nordic appellate body will be made at a later date.

I have given above an account of the contents of the report by the Scandinavian patent committees concerning the unification of the patent legislation and the proposal associated therewith for a system of Nordic patent applications. As Chairman of the Finnish Committee, I have not, in general, seen fit to add any critical marginal notes to this account. It will now be the task of the Nordic Governments to develop further the issue and, if possible, to carry out this very interesting project of Nordic patent applications.

## Exclusive Distribution Agreements and the Common Market Antitrust Law

By Stephen P. LADAS

### I

The Commission of the European Economic Community (EEC) has published on October 20, 1964, a very important decision relating to an Exclusive Distribution Agreement under the Common Market Antitrust Law. The Commission ruled that the agreement in question violated the Common Market antitrust policy by restraining the business activity of the parties to it and of persons outside the agreement, and that it restricted trade between Member States.

The importance of the decision was emphasized by the unusual step of a press conference at which Mr. Hans von der Groeben, EEC Commissioner responsible for antitrust affairs, underlined the significance of the decision, and Mr. René Jaume, of the Directorate-General of Competition, pointed to the features of the agreement which caused it to be condemned by the Commission.

Both officials took care to indicate that this decision did not mean that any agreement giving exclusive rights of distribution is prohibited under Article 85 of the Treaty of the Common Market. This renders it desirable to submit a preliminary Commentary on the decision.

### II

The facts of the case are as follow: By Agreement dated April 1, 1957, the German manufacturer Grundig appointed

the French firm, Ets. Consten, as sole distributor for its radios, tape recorders, dictating machines, and television sets and their parts and accessories for continental France, Saar and Corsica. Consten operated for its own account. It agreed not to represent other German enterprises which produced or sold similar products nor to sell competitive products. Grundig agreed not to sell *directly or indirectly* to any other person than Consten in the territory in question. This clause was part of a system of territorial protection applied to the entire Grundig sales organization. All Grundig purchasers, German and foreign, are prohibited from exporting or re-exporting Grundig products. Accordingly, Consten could not sell, either directly or indirectly, from its territory for or to any other country.

Consten agreed to advertise adequately and sufficiently and at its own expense and to set up a repair shop stocking a sufficient supply of replacement parts and to provide faultless customer service for appliances sold by it.

Finally, Consten was authorized, for the life of the contract, to use the trademark "Grundig" for the distribution of the Grundig products but not to register such mark, but Consten was authorized to register and did register the trademark "Gint" (Grundig International) in its name, subject to assigning the registration to Grundig or cancelling it at the termination of the agreement. This mark was affixed by Grundig to all appliances manufactured by it, including those sold in Germany. Indeed, while the trademark is registered in Germany by Grundig, it is registered in several Member States in the name of the local sole distributor of Grundig.

After the conclusion of the Agreement in 1957, Consten was the sole French importer of Grundig products, but following the liberalization of imports between France and Germany (a result of lowering of tariffs), several French enterprises began to purchase Grundig equipment directly from German wholesalers. The most important of these "parallel importers" was a French wholesaler, UNEF, who purchased the goods from German wholesalers who made deliveries in spite of the export prohibition imposed on them by Grundig. UNEF sold these goods to French retailers at more favorable prices than those asked by Consten.

Consten brought suit in the Tribunal of Commerce of Seine against UNEF, claiming that such importation by UNEF, with knowledge of Consten's exclusive distribution agreement, was an act of unfair competition. This Tribunal upheld the action for unfair competition on the ground that such an exclusive agreement was a recognized commercial practice and not in restraint of trade. UNEF, on the contrary, claimed that the agreement was null and void as being in violation of Article 85 of the Treaty establishing the Common Market. In the meantime, UNEF had submitted to the Commission of the EEC a request for a ruling that the Grundig-Consten agreement was null and void. On appeal from the decision of the Seine Tribunal the Court of Appeals of Paris, taking note of the fact that the Commission of the EEC had initiated proceedings in respect of UNEF's request, decided to suspend judgment until after the decision of the EEC Commission on the UNEF request.

Consten also brought action against UNEF for infringement of Consten's registered trademark "Gint", since the goods imported into France from Germany also bore this mark. No hearing has been held on this action as yet.

### III

The Commission found that the Grundig-Consten agreement was prohibited by Article 85 (1) because it restricted or distorted competition within the Common Market and between Member States. In this connection, it found that:

- (a) Grundig was restricted from selling in or to the territory defined in the agreement to any buyer but Consten.
- (b) This restriction on Grundig was reinforced by the export prohibition imposed upon all buyers (both national and foreign) of Grundig products. As a result, no dealer in Grundig products established outside France could sell the products to purchasers in France.
- (c) Consten, by the suit for unfair competition against UNEF, intended to prohibit all imports by third parties into France.
- (d) Consten was prevented from exporting Grundig products outside France.
- (e) Consequently, the integration of the national markets in the Common Market was impeded, if not prevented.
- (f) Finally, the manner in which Grundig and Consten made use of the "Gint" trademark created an additional method of protecting Consten against competition.

### IV

The Commission then dealt with the possible exemption of the agreement under Article 85 (3), and proceeded to consider the four tests which must be met under this paragraph:

(1) *Improvement of production and distribution of the products.* — The Commission assumed that this test was met. Any exclusive distribution agreement can lead to an improvement in the production and distribution of products insofar as its purpose is to organize and guarantee service after the sale, and to advance planning of distribution which an exclusive distributor must engage in. But with respect to advertising, it was found that the fact that Consten undertook the advertising in France does not have any bearing on the improvement of distribution, and the provision was only a matter of disposing of the cost of advertising between the parties.

(2) *Consumers must be allowed an equitable share of the profit.* — In the field of trade, the word "profit" must not be understood as meaning only a profit by the improvement in the distribution of the products in the sense that the agreement leads to a broader choice or to greater purchasing possibilities of the kind of products involved. It also means other advantages for consumers, such as sharing in more advantageous prices or other conditions of sale. The determining factor is whether the share of the consumers in the established distribution is a fair one. The Commission in this connection found that there was an appreciable gap of prices between France and Germany after deducting customs charges and taxes.

(3) *The restrictions must be indispensable to the attainment of the improvement of production and distribution.* — The Commission stated that the question of the indispensable nature of the territorial restrictions must be answered by examining whether it is not possible to attain improvement of production and distribution of the products through the exclusive distributor if parallel importations are also allowed. If, through a relaxation of territorial restrictions, the goal of improving production and distribution of the goods could no longer be attained, then absolute territorial protection should be indispensable. The Commission would not admit that Consten, without absolute territorial protection, could not be in a position to exploit intensively the French market as an exclusive concessionnaire. If Consten sold Grundig products in France with operating margins roughly the same as those of wholesalers established in the Common Market outside France, then no dealer established in France would find it to his advantage to obtain these products outside France and go through the complications involved in any import operation. In this connection, the Commission discusses the arguments by Grundig and Consten that the territorial restrictions were needed for the purposes of advance planning, the furnishing of guarantee and post sale service, and advertising. The ability to make accurate advance plans is not affected, in the Commission's view, by parallel imports. With respect to guarantee, normally a buyer can claim this from any supplier. Parallel importers can also maintain the guarantee service as well as Consten does. Post sale service is also not an argument because repair costs must be paid by the person requesting repair and no disadvantage would result for Consten in repairing appliances which have not been sold by it. Finally, parallel imports could not reduce the exclusive distributor's margin to such an extent that the costs of advertising could no longer be covered.

(4) *Elimination of competition does not concern a substantial proportion of the goods concerned.* — The Commission desisted from examining this test of Article 85 (3) since, in view of its findings that the second and third tests were not met, it was felt unnecessary to consider this one.

In the final result, the Commission held that the agreement was not exempted under Article 85 (3), and therefore such agreement violated the provisions of Article 85 (1). Since the parties continued to apply the agreement and did not modify it, Article 7 of Regulation No. 17 was not applicable. Violation of Article 85 of the Treaty calls for imposition of fines as provided for in Article 15 (2) of Regulation No. 17. In this case, however, the Commission did not impose such fines because the agreement was properly notified to the Commission by the parties. But Grundig and Consten were enjoined from hampering parallel imports of Grundig products into France by any means whatsoever, including the use for this purpose of the "Gint" trademark.

### V

Commissioner von der Groeben emphasized that the decision did not mean that all exclusive distribution agreements were prohibited. He stated that 20,000 of the exclusive distri-



bution agreements notified to the Commission do not have any territorial protection or export prohibition clauses. There are, he said, 6,000 notified agreements that do have such clauses. He thought that such contracts would be modified since he hoped that businessmen would be convinced that there would be no point in using contracts similar to the Grundig-Consten agreement. He intimated that the Commission rendered this decision in order to provide a basis for possible group exemption, since there was opposition on the part of the Council of Ministers to the delegation of a general power to the Commission before there was such a decision.

It is indeed important to note that this is not a decision condemning all exclusive distributor agreements. The Commission itself, in discarding the importance of the assumption of the cost of advertising by Consten, proceeded to say that "it was sufficient for Grundig to agree not to sell *directly* to another enterprise in the territory". Indeed, in a more recent publication of a proposed negative clearance by the Commission, published November 7, 1964, the Commission indicated that there was no violation of Article 85 (1) involved by two agreements:

- (a) An agreement between a French and a German Company by which the French manufacturer granted to a German Company exclusive importation and distribution of shoes in Germany, without any clause of prohibition of export. The German Company acquired a stock of shoes for its own account and was free to determine whether it should supply the demand from this imported stock or from the German factory. Prices were fixed freely by the German distributor.
- (b) An agreement between the same French manufacturer and an exclusive Belgian distributor for Belgium. Again there was no clause prohibiting export. The French manufacturer agreed not to offer or deliver its shoes to any Belgian customer except through the Belgian distributor. The latter even agreed to represent exclusively the French manufacturer and not to offer or sell, during the term of the agreement, competitive products. Prices were fixed freely by the Belgian distributor.

In both these cases, there was no prohibition on the distributor to sell outside his territory and no engagement by the manufacturer to prevent importation by others within the distributor's territory.

It is not readily conceivable that the Commission would consider all exclusive distributor agreements as in violation of Article 85 (1). Business economics in the marketing of products do sometimes require exclusivity clauses. This is particularly true in the introduction of a product in a new and competitive market. The manufacturer requires the loyalty and strong interest of an exclusive distributor to develop a market for his goods, precisely in order to obtain a competitive position with other products — thus enhancing rather than preventing competition. Long experience has shown that only an exclusive distributorship will interest a prospective dealer to make a thorough survey of the market, train the necessary personnel, incur financial outlays, and make an intensive effort on behalf of his supplier.

## VI

Why, then, in the Grundig-Consten agreement did the Commission find a violation of Article 85 (1) and no exemption under Article 85 (3)? The following points should be noted:

(1) The decision is based on factual economic considerations in the particular case rather than on legal principles applicable to all agreements with territorial restrictions. The Commission invokes constantly percentages and figures of prices and costs so that these appear to have been of decisive importance for its ruling. Thus, it was shown that the list price for a certain model of Grundig tape recorder was 44 percent higher in France than in Germany (after customs duties and taxes). Even the actual price, i. e., the list price less discount, was at least 23 percent higher. Since the Grundig factory price to Consten as well as to the German wholesalers was essentially the same, the difference must be explained by the difference in operating margins. It was noted that post sale service and guarantee service expenses amounted to only 1.18 percent of Consten's turnover; and the costs of general advertising were 1.9 percent of the turnover.

(2) The Commission attaches capital importance to the existence of price distortion. It realizes that uniformity of prices from country to country is not as fully realizable as there can be within a single State. Linguistic difficulties, foreign exchange instability, problems of calculation of customs duties, supplementary taxes, etc., may create variation in prices of the same goods, which can prevent a full integration of the Common Market. If territorial restrictions are superimposed on the above, integration is decisively defeated. This amounts to a substitution of private frontiers to the customs barriers which are being gradually abolished, and such a situation is inadmissible, as contrary to the underlying reason for establishing the Common Market.

(3) The Commission also pointed out that when products are distributed on several commercial levels, it is sufficient that competition is prevented or restricted on any of these levels (for instance, in wholesale or retail markets), particularly when competition at that particular level assumes especial importance. In this case, the intent was that Consten be free from the competition of other importers with regard to the import and wholesale distribution of Grundig products in France, and this is enough to warrant the conclusion that competition is restricted.

(4) It is to be noted that the arguments presented under Article 85 (3) for the non-applicability of the prohibition of Article 85 (1) were not rejected in themselves. They were discussed by the Commission and rejected as not applicable in this particular case. Such arguments as the necessity of advance planning for intensive distribution of the market, technical services for the products, post sale services, might be validly invoked and conceivably accepted by the Commission as justifying a territorial protection in another case. The nature of the products involved might make a substantial difference. The marketing and distribution of radio and television sets at this time presents no special problem. There are many types or brands of such products on the market. Consumer research studies in aid of marketing are generally

available. Facilities and establishments for service and repairs are pretty standardized. The arguments made by Grundig and Consten were not convincing for the Commission. In the case of special or new products for which there is no broad market available, or a foothold is to be obtained against entrenched competition, or where truly specialized services are required for original installation or for replacement of parts which could not generally be available to unauthorized importers, it is submitted that the Commission could not so readily reject justifications for territorial protection. Absence of this might prevent the manufacturer from finding a distributor and entering the market, thus creating competition. It is further submitted that the Commission should not be guided only by the factor that the territorial restrictions result in a substantial variation of prices of the products in the various national markets. The only argument which the Commission appears not to be willing to listen to is that it is necessary to have an exclusive distributor because it is he who pays the cost of advertising in the territory. The Commission says that this is a problem of sharing the expense between the manufacturer and the distributor, and goes on to say that "it was sufficient for Grundig to agree not to sell directly to another enterprise in the territory", so that parallel importers who benefit from this advertising could only buy from third parties. This again may be too absolute a position to take. The Commission found that Consten's cost of advertising amounted to 1.9 percent of Consten's turnover. But there may be cases where the distributor's advertising may go as high as 10 percent.

(5) A very significant point in the decision is the narrow interpretation the Commission gives to the word "indispensable" in speaking of the territorial restrictions in their effect on the improvement of production and distribution. It must be shown that parallel importations effectively impede the improvement of distribution, which is a very hard thing to prove. Up to now, it was thought that anyone violating the exclusive right of the distributor disturbed the system of distribution organized by him. Now it appears that the unauthorized importer on the contrary is the one who reestablishes a healthy competition and helps to correct the difference of prices between the markets of Member States.

(6) The Commission consistently speaks of "absolute territorial protection" as not being indispensable. It is not clear what "absolute" means except that it refers to the Grundig-Consten agreement which sought to prevent any importation by others into France and any re-export by Consten outside France. This seems to imply that in any other case it could be shown that there was no "absolute territorial protection", for instance, in a case where Consten could not itself directly re-export, but purchasers in France could export and parallel importers could import the products into France, thus compelling a more similar price level within the Common Market.

(7) This was an exclusive distribution agreement between two independent enterprises, and the Commission makes a point about it. Suppose this agreement were between a parent company and a subsidiary. Would these be deemed two different enterprises? The German law would consider a parent and subsidiary as forming a single enterprise. This is not the

case under French, Belgium and Italian law. No definition of "enterprise" has been accepted as yet with respect to Article 85, and there is an open question whether the decision of the Commission in the Grundig-Consten case is authority for any similar arrangement between a parent and subsidiary.

(8) With regard to the trademark "Gint", the Commission pointed out that this mark was not important to designate the origin of the products. It was a device to conceal and serve the intended restriction of competition. In this connection, it would seem that it would not make any difference in a particular case whether the mark was registered in France originally by Consten or whether it was originally registered by Grundig and assigned to Consten. Indeed, suppose the territorial restriction was accomplished not by an agreement with the restricted clauses included in the Grundig-Consten agreement but rather through a division of trademark rights between the manufacturer and the distributor. Conceivably Grundig could have assigned the registration of the trademark "Grundig" to Consten in France and to the other exclusive distributors in the other countries. It would seem that the Commission might consider the fact that Consten still obtained the products from Grundig and did not manufacture itself so that the mark did not really indicate origin with Consten; and that therefore the assignment was made with the intent of dividing territories and preventing the integration of the markets of the Member States, and might enjoin the parties from using the trademark rights to prevent parallel importations. As a matter of fact, such an assignment by Grundig to a Dutch Company came up before the Dutch Courts in 1963 (*Grundig Nederland N. V. v. Amerlaan*). The German Grundig Company in 1959 assigned to Grundig Nederland N. V. its business in Amsterdam together with the trademark "Grundig". A Dutch importer brought into the Netherlands goods bearing such trademark made by the German Grundig Company. The Dutch Company filed petition for injunction and this was granted by the lower Court and the judgment was confirmed on appeal. It was held that the assignment was valid under Dutch Trademark Law, and it was irrelevant that the assignee was a wholly-owned subsidiary of the German Grundig Company. The Court could not consider the assignment as null and void under Article 85 of the Treaty because it was executed in 1959, before Regulation No. 17 was issued, and nullity on this ground could only have been declared by a decision of the competent authorities under the Dutch Cartel Law. Conceivably, the importer who had been enjoined in the Netherlands could proceed before the Commission, and ask it to determine that the contract of assignment was null and void and could not be used to prevent importation to the Netherlands. It was not unlikely that the Commission might consider whether, after the assignment, the goods sold to the public in the Netherlands by the Dutch Company were still the goods of the German Grundig Company, and might also consider whether the assignment had the result of creating an appreciable gap in the prices of the goods between Germany and the Netherlands.

Summarizing, the decision of the Commission of the EEC in the Grundig-Consten case: first, underlines the importance of notification of agreements under Regulation No. 17 —

were it not for such notification the Commission might have imposed fines on the two companies for violation of Article 85 of the Treaty; second, indicates that "absolute territorial protection" in an exclusive distribution agreement will not be generally tolerated; third, the word "indispensable" in

Article 85 (3) is given a narrow and really literal interpretation by the Commission; finally, economic justification of an exclusive distribution agreement will be considered so long as it does not lead to marked difference in price levels of the products between Member countries in the Common Market.

## CALENDAR

### Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
March 11 and 12, 1965 Geneva	Advisory Group of the International Committee of Novelty-Examining Patent Offices	Industrial property statistics; index of parallel patents	Austria, Canada, France, Germany (Fed. Rep.), Japan, Poland, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America	International Patent Institute, Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)
March 15 to 19, 1965 Geneva	Committee of Experts on Inventors' Certificates	To study the problem of inventors' certificates in relation to the Paris Convention	All Member States of the Paris Union	Union of Soviet Socialist Republics, United Nations, Council of Europe, International Patent Institute, Organization of American States, Inter-American Association of Industrial Property, International Association for the Protection of Industrial Property, International Chamber of Commerce, International Federation of Patent Agents
March 22 to April 2, 1965 Geneva	Committee of Experts on the Administrative Structure of International Cooperation in the Field of Intellectual Property	To study a draft Convention on administrative structure	All Member States of the Paris and Berne Unions	United Nations, International Labour Organization, United Nations Educational, Scientific and Cultural Organization, World Health Organization, Council of Europe, International Patent Institute, Organization of American States, Inter-American Association of Industrial Property, International Association for the Protection of Industrial Property, International Bureau for Mechanical Reproduction, International Chamber of Commerce, International Confederation of Societies of Authors and Composers, International Federation of Patent Agents, International Literary and Artistic Association
May 4 to 7, 1965 Geneva	Committee of Experts for the Classification of Goods and Services	To bring up to date the international classification	All Member States of the Nice Union	
July 5 to 14, 1965 Geneva	Committee of Governmental Experts preparatory to the Revision Conference of Stockholm (Copyright)	Examination of the amendments proposed by the Swedish/BIRPI Study Group for the revision of the Berne Convention	All Member States of the Berne Union	Certain Non-Member States of the Berne Union, Interested international intergovernmental and non-governmental organizations
September 28 to October 1, 1965 Geneva	Interunion Coordination Committee (3 <sup>rd</sup> Session)	Program and budget of BIRPI	Belgium, Brazil, Ceylon, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), Hungary, India, Italy, Japan, Morocco, Netherlands, Nigeria, 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; United Nations

Date and Place	Title	Object	Invitations to Participate	Observers Invited
September 29 to October 1, 1965 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (1st Session)	Program and activities of the International Bureau of the Paris Union	Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), Hungary, Italy, Japan, Morocco, Netherlands, Nigeria, Portugal, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union; United Nations

## Meetings of Other International Organizations concerned with Intellectual Property

Place	Date	Organization	Title
Tel Aviv	January 31 to February 2, 1965	International Association for the Protection of Industrial Property (IAPIP)	Conference of Presidents
New Delhi	February 6 to 12, 1965	International Chamber of Commerce (ICC)	Congress
Paris	February 19, 1965	International Literary and Artistic Association (ALAI)	Executive Committee and Annual General Assembly
Paris	March 1 to 6, 1965	International Confederation of Societies of Authors and Composers (CISAC)	Federal Bureaux, Legislative Committee and Confederal Council
Namur	May 23 to 27, 1965	International League Against Unfair Competition	Congress
Stockholm	August 23 to 28, 1965	International Literary and Artistic Association (ALAI)	Congress
Tokyo	April 11 to 16, 1966	International Association for the Protection of Industrial Property (IAPIP)	Congress

## NEWS ITEMS

### Changes in Heads of Patent Offices

#### AUSTRIA

We have been informed that *Hofrat* Richard Psenicka has retired as President of the Austrian Patent Office and has been succeeded by Dr. Gottfried Thaler.

We take this opportunity of congratulating the new President and wishing Mr. Psenicka a happy retirement.

#### NORWAY

We have been informed that Mr. Johan Helgeland has retired as Director of the Norwegian Patent Office and has been succeeded by Mr. Laef Nordstrand.

We take this opportunity of congratulating the new Director and wishing Mr. Helgeland a happy retirement.

Mr. Helgeland has asked BIRPI to convey, through *Industrial Property*, his thanks to the Heads of the various Patent Offices for their co-operation during his tenure of Office.