

Industrial Property

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INTERNATIONAL UNIONS

Paris Union

Adhesion to the Lisbon Text

BELGIUM

According to a communication received from the Federal Political Department, the following note was addressed by the Embassies of the Swiss Confederation in the countries of the Paris Union to the Ministries of Foreign Affairs of those countries:

(Translation)

“In compliance with the instructions of the Federal Political Department dated July 21, 1965, the Swiss Embassy has the honour to inform the Ministry of Foreign Affairs that the Belgian Embassy in Berne has, in a note dated June 18, 1965, informed the Political Department of the adhesion of Belgium to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Lisbon on October 31, 1958.

“In conformity with Article 16 (3) of the said Convention, this adhesion will take effect on August 21, 1965.”

Paris Union — Madrid Agreement Adhesion to the Lisbon Texts

JAPAN

According to a communication received from the Federal Political Department, the following note was addressed by the Embassies of the Swiss Confederation in the countries of the Paris Union to the Ministries of Foreign Affairs of those countries:

(Translation)

“In compliance with the instructions of the Federal Political Department dated July 21, 1965, the Swiss Embassy has the honour to inform the Ministry of Foreign Affairs that the Japanese Embassy in Berne has deposited with the said Department on June 18, 1965, the instruments of adhesion of Japan to the following Acts of the Paris Union for the Protection of Industrial Property:

- the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, and at Lisbon on October 31, 1958;
- the Agreement of Madrid for the Prevention of False or Misleading Indications of Source of April 14, 1891, as revised at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, and at Lisbon on October 31, 1958.

“In accordance with Article 16 (3) of the Paris Convention, to which Article 6 (2) of the Madrid Agreement refers, these adhesions will take effect on August 21, 1965.”

Paris Union

Communication from Czechoslovakia

We have been informed by the Swiss Federal Political Department that on June 11, 1965, it received the following communication from the Embassy of the Czechoslovak Socialist Republic:

(Translation)

“The Embassy of the Czechoslovak Socialist Republic presents its compliments to the Federal Political Department and, with respect to the contractual relations between the Czechoslovak Socialist Republic and the States which have ratified or adhered to the different texts of the Paris Convention for the Protection of Industrial Property of March 20, 1883, has the honour to communicate the following:

The Czechoslovak Socialist Republic, by ratifying the text of the Paris Convention for the Protection of Industrial Property of 1883 as concluded at Lisbon on October 31, 1958, implicitly adopted the preceding text of this Convention concluded at London on June 2, 1934, and considers itself bound by this text in regard to those States which are bound by the London text and which have not yet adhered to the Lisbon text of this Convention.”

Nice Union

Committee of Experts for the International Classification of Goods and Services

(Third Session, Geneva, May 5 and 6, 1965)

General Report

The Committee of Experts for the International Classification of Goods and Services, set up under Article 3 of the Nice Agreement, held its third session at Geneva on May 5 and 6, 1965, at the headquarters of the World Meteorological Organization.

The following countries were represented: Australia, Belgium (by the Delegation of the Netherlands), Czechoslovakia, Denmark, France, Federal Republic of Germany, Italy, Lebanon, Netherlands, Norway, Portugal, Spain, Sweden (by the Delegation of Denmark), Switzerland, United Kingdom and Yugoslavia. Austria and the United States of America had sent observers.

Mr. Ch.-L. Magnin, Deputy Director, on behalf of Professor G. H. C. Bodenhausen, Director of BIRPI, who was unable to attend because he was on mission abroad, opened the session of the Committee by welcoming the delegates and observers, particularly the observers of the United States of America who were participating in the work of the Committee for the first time.

He also welcomed the presence of the delegates of the Socialist Federal Republic of Yugoslavia, whose recent accession to the Nice Agreement concerning the International Classification of Goods and Services he announced amid applause from all present.

Mr. Johannes J. de Reede (Netherlands) was re-elected Chairman of the Committee. Mr. F. J. Ward Dyer (United Kingdom) and Mr. L. Egger (Switzerland) were elected respectively Vice-Chairman and Rapporteur-General.

Proposals for modifications, additions or deletions in the alphabetical list of goods and services published by BIRPI after the Committee's second session, held from November 12 to 14, 1963, had been submitted for the session by Denmark, the United Kingdom and BIRPI. The Committee was also required to take a stand on a number of proposals relating to the classification of metallic elements, concerning which it had deferred its decision at its session from May 7 to 11, 1962.

The work of the Committee had been prepared by correspondence and at a meeting held on the previous day, at the headquarters of BIRPI, by the Sub-Committee set up under Article 7 of the Committee's Rules of Procedure.

A Working Group consisting of the delegates of Czechoslovakia, Denmark, France, Switzerland and the United Kingdom, under the chairmanship of Mr. F. J. Ward Dyer and with the assistance of the observers of the United States of America, drafted, in the course of the session, proposals for the classification of certain goods on the subject of which the Sub-Committee had not reached an agreement (electric cooking utensils and other more specialized goods falling into this category).

The study of a number of proposals presented shortly before this session by Denmark was postponed until a later session.

The decisions of the Committee concerning the modifications, additions and deletions in the "Explanatory Notes" and the alphabetical list of goods and services appear in Annex I¹⁾.

The list of participants in the Committee appears in Annex II.

It is understood that the deletions decided upon by the Committee leave the States Members of the Nice Agreement entirely free to accept or refuse the items deleted, in the indication of the goods concerning the trademarks deposited. If, however, a State accepts, at the time when a mark is registered, an indication of goods which the Committee considered too general to be maintained in the alphabetical list, it will require, in accordance with Article 2 (3) of the Agreement, to indicate in the official documents and publications listing the registrations of trademarks all the classes to which the different goods covered by the general indication belong.

ANNEX II

List of Participants

I. Member States

Australia

Mr. Raymond James Greet, First Secretary, Australian Permanent Mission, Geneva.

Belgium

Mr. J. J. de Reede, Vice-Chairman of the Netherlands Patent Council, The Hague.

Czechoslovakia

Mr. Jaroslav Chlum, Head of Department, Office for Patents and Inventions, Prague.

Mr. Miloslav Spunda, Head of Section, Office for Patents and Inventions, Prague.

Denmark

Miss Julie Olsen, Assistant Comptroller, Patent Office, Copenhagen.

Mrs. Rigmor Carlsen, Junior Assistant Comptroller, Patent Office, Copenhagen.

Federal Republic of Germany

Mr. Willy Miosga, Regierungsdirektor, Patent Office, Munich.

Mr. Werner Richard Schmidt-Drichel, Regierungsoberinspektor, Patent Office, Munich.

France

Mr. Maurice Bierry, Civil Administrator, Ministry of Industry, Paris.

Italy

Mr. Aldo Pelizza, Inspector-General, Ministry of Industry, Patent Office, Rome.

Lebanon

Mr. Al-Abdallah, Minister Plenipotentiary, Head of the Permanent Mission of Lebanon, Geneva.

Netherlands

Mr. J. J. de Reede, Vice-Chairman of the Netherlands Patent Council, The Hague.

Mr. A. M. de Geus, Patent Office, The Hague.

Norway

Mr. Roald Røed, Assistant Comptroller, Patent Office, Oslo.

Portugal

Mr. Jorge Van-Zeller Garin, Deputy, Directorate-General of Commerce, Lisbon.

Spain

Miss Elisa de Goytia Schuck, Head of the International Section of the Industrial Property Registration Office, Madrid.

Sweden

Miss Julie Olsen, Assistant Comptroller, Patent Office, Copenhagen.

Switzerland

Mr. L. Egger, Head of Section, Federal Office of Intellectual Property, Berne.

United Kingdom of Great Britain and Northern Ireland

Mr. F. J. Ward Dyer, Deputy Head of the Trade Marks Registry, Patent Office, London.

Mr. John Ernest Cuthbert, Classification Officer, Trade Marks Registry, London.

Yugoslavia

Mr. Ljubica Jovanović, Deputy Director, Patent Office, Belgrade.

Mr. Nenad Janković, Legal Adviser, Belgrade.

¹⁾ Replaced by the list of modifications, additions and deletions to the Classification annexed to Notification No. 1 reprinted below (see page 168).

II. Observers

Austria

Mr. Thomas Lorenz, Ratssekretär, Patent Office, Vienna.

United States of America

Mr. John H. Merchant, Director, Trademarks Examining Operation, U. S. Patent Office, Washington.

Mr. David B. Allen, Office of International Patent and Trademark Affairs, U. S. Patent Office, Washington.

III. BIRPI

Mr. Charles-L. Magnin, Deputy-Director.

Mr. G. Béguin, Head of the General Administrative and Registration Services.

Mr. E. Margot, Head of the Trademarks Service.

IV. Bureau of the Committee

Chairman: Mr. J. J. de Reede (Netherlands).

Vice-Chairman: Mr. F. J. Ward Dyer (United Kingdom).

Rapporteur: Mr. L. Egger (Switzerland).

Notification No 1

of July 15, 1965, from BIRPI to the Administrations of the States parties to the Nice Agreement

Circular No. 116

July 15, 1965

To the Industrial Property Administrations of the States members of the Separate Union established by the Nice Agreement for the International Classification of Goods and Services to which Trademarks are Applied, of June 15, 1957

Notification No. 1 of the International Bureau, of July 15, 1965, made in compliance with Article 4 (1) of the said Nice Agreement

Dear Sir,

I have the honour to inform you in the present Notification No. 1, that the Committee of Experts set up in liaison with the International Bureau under Article 3 (1) of the Nice Agreement, met in Geneva on May 5 and 6, 1965.

The Committee of Experts decided to make a certain number of modifications and additions to the International Classification. These modifications and additions will be incorporated by the International Bureau in the Classification which it published in 1963.

You will find the modifications and additions listed in the annex to this Notification (in three copies).

In compliance with Article 4 (1) of the Nice Agreement, the entry into force of the decisions of the Committee of Experts will take place:

- in so far as modifications as referred to in Article 3 (3) of the Nice Agreement are concerned, after a period of six months to be reckoned from the date of despatch of this Notification, which is July 15, 1965, and the period of six months expiring on January 15, 1966;
- in so far as additions are concerned, from the receipt of this Notification.

The modifications and additions attached to this Notification No. 1 will be published by the International Bureau in the next issues of the reviews *La Propriété industrielle* and *Industrial Property* and also in *Les Marques internationales*.

Yours faithfully,

The Director: G. H. C. BODENHAUSEN

ANNEXE à la Notification n° 1, du 15 juillet 1965

Modifications, compléments et suppressions

décidés par le Comité d'experts (réunion de mai 1965) et communiqués par le Bureau international aux Administrations des pays parties à l'Arrangement de Nice, le 15 juillet 1965, par sa Notification n° 1

Sommaire

A. Adjonction aux Notes explicatives.

B. Changements au Répertoire alphabétique des produits et des services:

Les modifications au sens de l'article 3 (3) sont désignées par le signe (+) suivant la nouvelle indication de la classe.

Les compléments sont désignés par un astérisque (*) suivant le libellé du produit.

A. Adjonction aux Notes explicatives

Les « Notes explicatives » concernant la classe 9 doivent être complétées comme suit:

Le deuxième alinéa du chiffre II), c), reçoit la teneur suivante (les termes imprimés en italiques doivent être ajoutés):

- « appareils électriques pour le chauffage des locaux ou le chauffage des liquides (*à l'exclusion des bouilloires ou bouillottes électriques [classe 9]*), pour la cuisson, la ventilation, etc. (classe 11); »

B. Changements aux listes alphabétiques des produits et des services

Page	Colonne	No d'ordre	Libellé et classe actuels	Nouveau libellé	Classe
35	2	P/A 45 a	—	accumulateurs électriques (appareils pour la recharge des —) *	9
36	2	P/A 170 b	—	actinium *	1
39	1	P/A 527 b	—	aluminium (feuilles d'— pour emballage) *	6

B. Changements aux listes alphabétiques des produits et des services (suite)

Page	Colonne	No d'ordre	Libellé et classe actuels	Nouveau libellé	Classe
39	2	P/A 563 a	—	américium *	1
40	1	P/A 629 a	—	ampoules pour indicateurs de direction pour véhicules *	11
43	1	P/A 1019 a	—	astate *	1
43	2	P/A 1051	autoclaves (marmites — non électriques) 21	à ajouter: autoclaves (marmites — électriques) *	11
43	3	P/A 1084	automobiles (indicateurs de direction pour —) 12	automobiles (indicateurs de direction pour —) (ampoules pour ces indicateurs: classe 11)	12
44	2	P/A 1129 a	—	azote *	1
46	1	P/B 250 a	—	baryum *	1
46	3	P/B 323 a	—	batteries d'accumulateurs électriques (appareils pour la recharge des —) *	9
47	1	P/B 374 a	—	bentonite *	1
47	1	P/B 388 a	—	berkélium *	1
47	1	P/B 389 a	—	beryllium (ou glucinium) *	6
48	3	P/B 631	bobèches 11	bobèches — en métal précieux 14 + — en autres matières 21 +	
50	3	P/B 854	bouilloires non électriques 21	à ajouter: bouilloires électriques *	9
50	3	P/B 859	bouillottes non électriques 21	à ajouter: bouillottes électriques *	9
50	3	P/B 868 a	—	boules (machinerie et appareils de jeux de — [quilles] mécaniques) *	28
52	2	P/B 1122	brosses à dent 21	à ajouter: aussi électriques *	
53	3	P/C 62 a	—	cadmium *	6
54	1	P/C 98 a	cafetières automatiques et filtres à café (percolateurs) non électriques 21	à ajouter: cafetières automatiques et filtres à café (percolateurs) électriques *	11
54	2	P/C 164 a	—	californium *	1
56	1	P/C 367 a	—	carbone *	1
57	1	P/C 499	casques 25	à supprimer	
57	1	P/C 516	—	casseroles à pression électriques *	11
57	1	P/C 520 a	—	cassiopeium (ou lutetium) *	1
57	2	P/C 555 a	—	ceintures de sécurité pour sièges de véhicules terrestres ou aériens *	12
57	3	P/C 583 a	—	celtium (ou hafnium) *	6
57	3	P/C 597 a	—	centurium (ou fermium) *	1
58	1	P/C 626 a	—	cesium *	1
58	3	P/C 727	changement de direction pour véhicules (indicateurs de —) 12	à ajouter: (ampoules pour ces indicateurs: classe 11)	
60	2	P/C 917	chauffe-pieds, appareils chauffés à l'électricité 11	sans changement	9 +
64	2	P/C 1419	closets (papier pour —), médical 5 non médical 16	closets (papier pour —)	16
65	2	P/C 1572 a	—	combustible (gaz — comprimé) * (compressed fuel gas)	4
73	1	P/C 2489	cuir (toile-cuir) 27	cuir (toile-cuir)	18 +
73	1	P/C 2510 a	—	cuisine (ustensiles électriques de —) *, voir: P 1526 a appareils électro-mécaniques pour la préparation des aliments et des boissons (cl. 7) B 854 et B 859 bouilloires et bouillottes électriques (cl. 9) C 2515 appareils électriques pour la cuisson (cl. 11)	
73	1	P/C 2515	cuisson (appareils et installations de —) 11	à ajouter: aussi électriques *	
73	3	P/C 2556 a	—	curium *	1
75	2	P/D 114	dents (brosses à —) 21	à ajouter: aussi électriques *	
77	1	P/D 294	direction (indicateurs de — pour véhicules) 12	à ajouter: ampoules pour ces indicateurs: cl. 11)	
78	3	P/D 439	—	dysprosium *	1
79	1	P/E 44 a	—	eau potable *	32
80	1	P/E 138 a	—	éclair (lampes à lumière — [flash] pour photographie) *	9
80	1	P/E 140 a	—	éclairage (appareils d'—) pour la photographie, sauf lampes flash *	11
81	3	P/E 354 a	—	électrostatiques (appareils — pulvérisateurs pour peinture) *	7
82	2	P/E 389 a	—	emballage (feuilles d'aluminium pour —) *	6
82	2	P/E 391	emballage (matières pour —) excepté papiers 22	emballage (matières pour — [capitonnage], excepté papiers)	22
84	3	P/E 638 a	—	erbium *	1
86	2	P/E 851 a	—	étuis adaptés à appareils et instruments photographiques *	9
86	3	P/E 874 a	—	europium *	1
87	3	P/F 66 a	—	farts pour skis *	28
89	1	P/F 213 a	—	fermium (ou centurium) *	1
89	2	P/F 269 a	—	feuilles d'aluminium pour emballage *	6
89	3	P/F 337 a	—	fibres de silice vitrifiée * — pour usage industriel (non textile) 21 — utilisées en filature 22	
91	1	P/F 473 a	—	filtre (cafetières à — électriques) *	11
91	3	P/F 548 a	—	flash (lampes pour lumière éclair pour photographie) *	9
92	1	P/F 589 a	—	fluor *	1
93	3	P/F 772 a	—	francium *	1

B. Changements aux listes alphabétiques des produits et des services (suite)

Page	Colonne	No d'ordre	Libellé et classe actuels	Nouveau libellé	Classe
95	1	P/G 7 a	—	gadolinium *	1
95	2	P/G 29 a	—	gallium *	1
96	2	P/G 124 a	—	gaz combustible comprimé (compressed fuel gas) *	4
97	2	P/G 238 a	—	germanium *	6
97	3	P/G 309 a	—	glucinium (ou beryllium) *	6
99	1	P/G 467 a	—	graisse à traire (vétérinaire) *	5
100	1	P/H 24 a	—	hafnium (ou celtium) *	6
100	3	P/H 105 a	—	holmium *	1
102	2	P/H 269 a	—	humidificateurs pour radiateurs de chauffage central *	11
103	3	P/I 110	indicateurs de direction pour véhicules 12	à ajouter: ampoules pour ces indicateurs: cl. 11)	
103	3	P/I 121 a	—	indium *	6
105	2	P/J 58 a	—	jeux de quilles (boules) mécaniques (machinerie et appareils de —) *	28
105	3	P/J 108 a	—	jus végétaux: *	
				— pour la cuisine	29
				— comme boissons	32
106	3	P/K 16	—	krypton *	1
107	3	P/L 172 a	—	lampes à lumière éclair (flash) pour photographie *	9
108	1	P/L 227 a	—	lanthane *	1
108	2	P/L 252 a	—	laver (machines à —) déclenchées par l'introduction d'une pièce de monnaie *	7
110	1	P/L 501	lissage (produits pour la — des skis) 3	à supprimer	
110	3	P/L 576 a	—	lumière éclair (lampes à — [flash]) pour photographie *	9
111	3	P/L 608 a	—	lutetium (ou cassiopeium) *	1
113	2	P/M 261 a	—	marmites autoclaves électriques *	11
113	2	P/M 262 a	—	marmites à pression électriques *	11
118	1	P/M 788	mordants pour semences 2	mordants pour semences	5 +
121	2	P/N 53 a	—	néodyme *	1
121	2	P/N 53 b	—	néon *	1
121	2	P/N 53 c	—	neptunium *	1
121	3	P/N 107 a	—	niobium *	6
122	3	P/N 181	nuit (sacs de —/sacs de couchage) (textiles) 24	nuit (sacs en matières textiles pour linge de nuit)	24
124	2	P/O 189 a	—	osmium *	14
126	1	P/P 136	papier pour closets (non médicinal) 16	papier pour closets	16
126	3	P/P 228	papier de toilette (pour closets) (non médicinal) 16	papier de toilette pour closets	16
128	2	P/P 427	peau (préparations pour les soins de la —) (non médicinales) 3	peau (préparations cosmétiques pour les soins de la —)	3
128	3	P/P 471 a	—	peindre (rouleaux à —) *	16
129	1	P/P 490 a	—	peinture (appareils électrostatiques pulvérisateurs pour la —) *	7
129	1	P/P 492 a	—	peinture (pistolets pulvérisateurs pour la —) *	7
129	2	P/P 556 a	—	percolateurs à café électriques *	11
130	2	P/P 658 a	—	photographie (appareils d'éclairage pour —), sauf flash *	11
130	3	P/P 677 a	—	photographiques (étuis adaptés à appareils et instruments —) *	9
132	1	P/P 884 a	—	pistolets pulvérisateurs pour la peinture *	7
132	3	P/P 955 a	—	plantes (produits chimiques pour la protection des —) *, voir: produits chimiques pour l'agriculture (cl. 1); produits chimiques pour détruire les parasites des plantes (cl. 5)	
135	1	P/P 1244 a	—	polonium *	1
135	3	P/P 1321	portes, y compris grandes — en métal 6 autres qu'en métal 19	portes — en métal, ne figurant pas dans d'autres classes — non métalliques, ne figurant pas dans d'autres classes — pour meubles * — pour véhicules *	6 19 20 12
136	2	P/P 1420 a	—	potable (eau —) *	32
136	2	P/P 1434	—	potassium *	1
137	1	P/P 1489 a	—	poupées (vêtements de —) *	28
137	2	P/P 1518 a	—	praseodyme *	1
137	2	P/P 1526 a	—	préparations des aliments et des boissons (appareils électromécaniques pour la —) *	7
137	2	P/P 1549 a	—	pression (casseroles/marmites/ à — électriques) *	11
137	3	P/P 1583 a	—	prometium *	1
137	3	P/P 1586 a	—	protactinium *	1
138	1	P/P 1595 a	—	protection des plantes (produits chimiques pour la —) *, voir: produits chimiques pour l'agriculture (cl. 1); produits chimiques pour détruire les parasites des plantes (cl. 5)	
138	2	P/P 1624 a	—	pulvérisateurs pour la peinture (appareils électrostatiques —) *	7
138	2	P/P 1624 b	—	pulvérisateurs pour la peinture (pistolets —) *	7
138	2	P/Q 12 aa	—	quilles (machinerie et appareils de jeux de — mécaniques) *	28

B. Changements aux listes alphabétiques des produits et des services (suite)

Page	Colonne	No d'ordre	Libellé et classe actuels	Nouveau libellé	Classe
139	1	P/R 26 a	—	radiateurs de chauffage central (humidificateurs pour —) *	11
139	2	P/R 52 a	—	radon *	1
140	3	P/R 166 a	—	recharge des accumulateurs électr. (appareils pour la —) *	9
143	2	P/R 459 a	—	rhenium *	1
143	2	P/R 460 a	—	rhodium *	14
144	3	P/R 613 a	—	rouleaux à peindre *	16
145	3	P/R 665 a	—	rubidium *	1
145	3	P/R 671	—	ruthenium *	14
145	2	P/S 30	sacs de nuit (textile) 24	sacs en matières textiles pour linge de nuit	24
146	1	P/S 78 a	—	samarium *	1
146	2	P/S 146 a	—	scandium *	1
147	1	P/S 208 a	—	sécurité (ceintures de — pour sièges de véhicules terrestres ou aériens) *	12
147	3	P/S 280 a	—	sélénium *	1
147	3	P/S 292	semailles (mordants pour —) 2	à supprimer	
147	3	P/S 305 a	—	semences (mordants pour —)	5 +
149	1	P/S 443 a	—	silice vitrifiée (fibres de —): *	21
				— pour usage industriel (non textile)	22
				— utilisées en filature	28 +
149	2	P/S 476	skis (produits pour la lissure des —) 3	skis (farts pour —)	28 +
149	2	P/S 488 a	—	sodium *	1
151	2	P/S 741 a	—	strontium *	1
154	1	P/T 203 a	—	technetium *	1
154	3	P/T 234 a	—	tellure *	1
155	1	P/T 264 a	—	terbium *	1
155	2	P/T 323 a	—	thallium *	1
155	3	P/T 377 a	—	thulium *	1
155	3	P/T 377 b	—	thorium *	1
156	1	P/T 405	timons en bois 20	timons en bois	12 +
156	3	P/T 469	toile-cuir 27	toile-cuir	18 +
156	3	P/T 502	toile à voiles (lin et chanvre)	toile à voiles:	
				— pour confection de vêtements	24 +
				— pour confection de voiles	22
				à supprimer: non médicinal	
157	1	P/T 523	toilette (papier de —) aussi en rouleaux (W. C.) non médicinal 16	traire (graisse à —), vétérinaire *	5
158	1	P/T 656 a	—	truffes:	
159	2	P/T 827	truffes 31	— fraîches	31
				— conservées	29 +
160	3	P/V 26 a	—	vanadium *	6
161	2	P/V 97 a	—	véhicules (ceintures de sécurité pour sièges de — terrestres ou aériens) *	12
161	3	P/V 104	véhicules (indicateurs de changement de direction pour —) 12	à ajouter: (ampoules pour ces indicateurs: cl. 11)	
164	2	P/V 414	voiles (toile à —), lin et chanvre 22	voiles (toile à —):	
				— pour confection de vêtements	24 +
				— pour confection de voiles	22
165	1	P/X 1 a	—	xénon *	1
165	3	P/Y 6	—	ytterbium *	1
165	3	P/Y 7	—	yttrium *	1
166	3	P/Z 18	—	zirconium *	6
169	2	S/A 66	anti-mites (traitement — pour fourrures) 37	sans changement	40 +
172	1	S/D 39	diffusion de nouvelles 38	à supprimer	
172	3	S/E 79	étameurs (travaux d'—) 37	à supprimer	
173	3	S/F 48	fumer (locaux pour — des aliments) 40	à supprimer	
174	2	S/I 24	informations pour particuliers (privés) 42	à supprimer	
174	2	S/I 26	informations téléphoniques 35	à supprimer	
174	2	S/I 30	ingénieurs (services d'— p. ex. pour constructions) 37	à supprimer	
176	3	S/N 23	nouvelles (diffusion de —) 38	à supprimer	
177	1	S/P 42	photostats (publicitaires) 35	à supprimer	
177	3	S/P 117	publications (reliure de —) 37	sans changement	40 +
178	1	S/R 31	réfrigération (service d'installation de locaux, d'entreposage pour —) 39	réfrigération (service d'entreposage pour —)	39
178	2	S/R 35	reliure de publications, de documents 37	sans changement	40 +
179	2	S/T 25	téléphonique (information —) 35	à supprimer	
179	3	S/T 65	traducteurs 42	traduction (service de —)	42

In order to facilitate bringing up to date the "International Classification of Goods and Services", a "Supplement" is on sale at BIRPI at a price of Sfrs. 8.—, containing amendments, additions or deletions decided by the Committee of Experts, arranged in the first part in alphabetical order of the goods and in the second part in the order of classes.

Madrid Union

Registration of the 300,000th International Trademark at BIRPI

The International Trademark Registration Service started to function on January 23, 1893, the date of the first international registration of a trademark filed by the firm of Russ-Suchard & Co., Neuchatel (Switzerland), for chocolate and cocoa.

The 100,000th registration was effected on December 15, 1938, the 200,000th on April 17, 1957, and now, on July 15, 1965, the 300,000th international trademark has been registered at BIRPI. This mark, "Dutch mill tie", belongs to Mr. Theodore Wachtel, Dassenfabriek Boule d'Or, The Hague, of Dutch nationality, and has been filed in respect of ties and shawls.

LEGISLATION

FRANCE

Law

amending Law No. 64-1360, of December 31, 1964,
relating to Trademarks and Service Marks

(No. 65-472, of June 23, 1965)

(Translation)

Sole Article

Articles 3, 9, 11, 15, 16, 25, 27, 28, 29, 34 and 37 of Law No. 64-1360, of December 31, 1964¹⁾, shall be amended as follows:

Article 3 (paragraph 3). — The words "necessary and generic designation" shall be replaced by the words: "necessary or generic designation".

Article 9. — The last sentence of this Article shall be deleted.

Article 11 (paragraph 1). — The words "during a period of five years" shall be replaced by the words: "for five years".

(Paragraph 2). — The beginning of this paragraph shall read as follows: "The exploitation in a single class of a trademark which has been registered for several classes shall be sufficient . . ." (Otherwise no change.)

Article 15. — The beginning of this Article shall read as follows: "Without prejudice to the application of the provisions of the Paris Convention . . ." (Otherwise no change.)

Article 16. — This Article shall read as follows: "The State, overseas territories, departments, communes and public establishments, as well as trade unions, trade union federa-

tions, associations, groups or amalgamations of producers, manufacturers or merchants having a legally constituted administration and enjoying legal competency may, for general, industrial, commercial or agricultural purposes, or in order to promote the development of the commerce or industry of their members, possess collective trademarks or service marks."

Article 25. — The words: "products which he alleges to be marked or delivered in a manner prejudicial to him and in violation of the present Law" shall be replaced by the words: "products or services which he claims were marked, supplied or furnished to his detriment in violation of the present Law".

Article 27. — Items 1, 2, 3, 4 of Article 422 of the Penal Code shall read as follows:

1. persons who have imitated a trademark or who have fraudulently affixed a trademark belonging to another party;
2. persons who have made use of a trademark without the permission of the party concerned, even with the addition of words such as: 'formula, method, system, imitation, type'. Nevertheless, the use of a trademark by manufacturers of accessories to indicate the destination of the product shall not be punishable;
3. persons who without lawful reason have held products which they know to bear a spurious or fraudulently affixed trademark, or who have knowingly sold, offered for sale, supplied or offered to supply products or services under such a mark;
4. persons who have knowingly supplied a product or provided a service other than that for which they have been asked under a registered trademark."

Article 28. — Items 1, 2, 3 of Article 422-1 of the Penal Code shall read as follows:

1. persons who, without imitating a registered trademark, have made a fraudulent imitation of such a nature as to deceive the purchaser, or who have made use of a fraudulently imitated trademark;
2. persons who have knowingly made any use of a registered trademark bearing indications calculated to deceive the purchaser as to the nature, essential qualities, composition or content of effective ingredients, kind or origin of the object designated;
3. persons who without lawful reason have held products which they know to bear a fraudulently imitated trademark, or who have knowingly sold, offered for sale, supplied or offered to supply products or services under such a trademark."

Article 29. — The end of item 4 of Article 422-2 of the Penal Code shall read as follows: ". . . relating to trademarks or service marks".

Article 34. — In paragraph 1 of Article 423-4 of the Penal Code the words: "certification trademarks" shall be replaced by the words: "certification trademarks or service marks".

¹⁾ See *Industrial Property*, 1965, p. 83.

In item 1 of this Article the words: "certification trademarks" shall be replaced by the words: "certification trademarks or service marks".

In item 2 of this Article the words: "trademarks" shall be replaced by the words: "trademarks or service marks".

In item 4 of this Article the words: "sold or offered for sale, one or more products bearing a mark" shall be replaced by the words: "sold, offered for sale, supplied or offered for supply products or services under a mark".

Article 37 (paragraph 2). — The words: "in Article 4" shall be replaced by the words: "in Article 5".

The present Law shall be executed as statute law.

ITALY

Decrees

concerning the Temporary Protection of Industrial Property Rights at 5 Exhibitions
(Of June 4, 14 and 15, 1965)¹⁾

Single Article

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

2^a *Fiera internazionale delle comunicazioni* (Genoa, October 30 to November 7, 1965);

2^o *Salone internazionale dell'aeronautica* (Genoa, October 30 to November 7, 1965);

Salone internazionale macchine per l'enologia e l'imbottigliamento (Milan, November 10 to 19, 1965);

Mostra nazionale del marmo (Carrara, August 29 to September 12, 1965);

XVIII^a Fiera di Bolzano — Campionaria internazionale (Bolzano, September 17 to 27, 1965)

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

¹⁾ Official communication from the Italian Administration.

²⁾ See *Prop. ind.*, 1939, p. 124; 1940, p. 84.

³⁾ *Ibid.*, 1940, p. 196.

⁴⁾ *Ibid.*, 1942, p. 168.

⁵⁾ *Ibid.*, 1960, p. 23.

NEW PLANT VARIETIES

DENMARK

Act

to Protect Plant Breeders' Rights

(No. 205, of June 16, 1962)

(Translation)¹⁾

Section 1

(1) A plant breeder, who has produced a new plant in Denmark, or the person to whom the breeder's right has been lawfully transferred, can obtain, under the provisions of this Act, protection for his plant breeder's right. The same protection shall be granted to Danish plant breeders who have produced a new plant in another country. Unless the context otherwise requires, the plant breeder is held to include his successor in title.

(2) The Act will come into force for the particular groups of cultivated plants by order of the Minister of Agriculture after consultation with the interested trade organizations in the various groups. When a group of cultivated plants is brought within the scope of this Act, it cannot be taken out of the scope of the Act by administrative action.

(3) Plant breeders' rights can obtain protection only in so far as the following conditions are fulfilled:

(a) The new plant variety, whether it is produced naturally or artificially, shall be distinguishable by one or several characteristics from every other specie of plant known at the time when application for protection is filed. Of the qualities, which may be taken into account, may be stated both exterior qualities as structure, form and colour and such internal invisible characteristics as resistance, content of valuable matter (dry matter, oil etc.) and suitability for special modes of treatment.

(b) The new plant shall be sufficiently homogeneous.

(c) The new plant variety shall be stable in its special characteristics (the chief characteristic) during its propagation provided that this propagation is performed within the framework of the propagating system stated by the plant breeder.

(4) Protection of plant breeders' rights under the provisions of this Act cannot be granted for new plant varieties which have been offered for sale with the plant breeder's consent or already brought onto the market before the application for registration is made, subject, however, to Sections 2 and 3. In exceptional cases, however, the Minister of Agriculture can, at the same time as he brings the Act into force in respect of a group of plants, permit that protection for specified new plant varieties is granted, even though the plants concerned have been the subject of contracts for the production of seed in the growth period immediately before

¹⁾ This unofficial translation has been kindly supplied by the Danish Ministry of Agriculture.

the time when the Act came into force in respect of the group, and even though the plant breeder after this period has sold propagating material of the new plant variety, provided that in connection with this sale a reservation has been made regarding the payment of a propagation charge, and the buyer has been informed that application has been submitted for the new plant variety to be brought within the Act protecting plant breeders' rights. The provisions of Section 14 (4) shall apply in such cases.

(5) If several persons apply for protection of the same new plant variety, the party who has first submitted an application shall have a preferential right to obtain protection, subject, however, to Section 2 (1).

Section 2

(1) For plants propagated from seeds the following special rules shall apply:

(a) A variety or strain of a seed propagated plant which obtains recognition at an official test shall be regarded as on an equal footing with a new plant variety, but in the case of self-pollinated plants only the first recognition.

(b) The breeder of a variety or strain of a cross-pollinated plant can, regardless of the provision of Section 1 (3) (a), receive protection of the breeders' rights provided that he can prove, by the production of research reports, to the satisfaction of the Board referred to in Section 4, that he has produced the variety or strain by plant breeding work, and provided that the variety or strain receives recognition. As regards self-pollinated plants, the Board may, in exceptional cases, permit this provision to apply when it would be particularly difficult to describe the special characteristics of the new plant variety.

(2) The Minister of Agriculture shall lay down rules for trials and recognition.

(3) Seed for sowing of a recognized variety or strain must only be sold under the name of the strain and with the appropriate certificate of recognition when the seed is grown from stock seed which, either directly or indirectly (as propagated stock seed) has been supplied by the plant breeder.

Section 3

(1) The Minister of Agriculture may decide that plant breeders' rights in the new plant varieties which are produced in foreign countries may obtain protection in Denmark either in the case of reciprocity or if the rights of breeders of new plant varieties, which are produced in Denmark, can be protected in the foreign State concerned on the same conditions as apply to new plant varieties which are produced in the State concerned. The Minister may lay down, on the same conditions, that nationals of the countries which grant protection to Danish citizens shall be able to obtain protection of their breeders' rights regardless of their residence. The detailed provisions concerning the time within which application must be made and the extent to which the provisions of Section 1 (3) (a) and (4) may be relaxed, shall be laid down by the Minister of Agriculture.

(2) Apart from the cases mentioned in para. (1), the Minister can, in exceptional cases, decide that a breeder of new plant varieties produced in a foreign country may be granted protection according to the provisions of this Act, provided that such protection in the particular case is regarded as being of agricultural-economic interest.

Section 4

(1) The decision with regard to application for protection shall be made by a board to be set up by the Minister of Agriculture, viz. The New Plant Varieties Board.

(2) The Minister of Agriculture shall lay down the composition of the Board and fix the rules for its general conduct of business and shall decide whether the Board is to be divided into sub-divisions for the various groups of plants or main groups of plants.

(3) The Board may call in experts for the consideration of particular cases.

Section 5

(1) The New Plant Varieties Board shall keep a Journal in which applications for protection shall be entered in chronological order immediately on the receipt of the application by the Board, and a Register of New Plant Varieties, in which the variety notified is entered when the Board has ascertained that the conditions for final inclusion in the Register are fulfilled. Furthermore, the Board shall keep the application; the cultivation reports, and other documents concerning each application in Archives of New Plant Varieties.

(2) The Journal and the Register of New Plant Varieties shall be open to public inspection. The Minister shall lay down to what degree the Register shall be open to the public.

(3) A list of protected varieties and strains shall be published at regular intervals. Publication can take place in connection with the publication of a list of varieties which is produced by the Government Committee on Crop Husbandry.

Section 6

(1) Application for inclusion in the Register of New Plant Varieties can be submitted by the breeder or by a person resident in Denmark and duly authorized by the breeder. If the person in whose name an application is made is a resident or has his registered office in a foreign country the application shall be made by a person resident in Denmark, who in all matters relating to the registration shall be bound to accept service of writ on behalf of the person stated as being the applicant.

(2) An application shall be filed in three copies of which one copy shall be returned to the applicant immediately after the application has been entered in the Journal accompanied by The New Plant Varieties Board's endorsement of the filing.

Section 7

(1) The application shall contain the following information:

1. the applicant's name and place of residence;
2. the breeder's name and place of residence;

3. a description of the genesis of the new plant variety. This description can, however, with the Board's permission be omitted in special cases. An appeal against the decision of the Board can be brought before the Ministry of Agriculture within 4 weeks reckoned from the day when the decision was made;
4. a complete description of the new plant with particular statement of its special characteristics, by which it differs from known plants, cf. Section 1 (3) (a), together, if necessary, with drawings and photographs. For varieties and strains of plants propagated from seeds, the description of the characteristics by which they differ from other plants may be replaced by the documentation described in Section 2 (1) (b) of the breeding work carried out;
5. a declaration that the new plant variety has not been brought into the market contrary to the provisions of this Act with the permission of the breeder.

(2) The Board can require further information insofar as it considers it necessary. Where the applicant is a person other than the breeder, the applicant must show proof of his right to make the application.

(3) The applicant can, in addition, submit special information concerning privately undertaken trial cultivations and official trial cultivations conducted in Denmark or in any foreign country.

(4) When filing an application, the applicant shall pay a notification fee fixed by the Minister of Agriculture towards the administrative expenses of The New Plant Varieties Board. The Board can require the applicant to pay, on demand, as soon as possible after the application has been made, a deposit to cover the expenses attending the trial cultivation (cf. Section 9).

Section 8

(1) As soon as possible after the application has been entered in the Journal, the Board shall undertake a provisional examination for the purpose of ascertaining whether the new plant variety may be regarded as fulfilling the conditions for registration. Unless the Board finds circumstances which show that these conditions are not fulfilled, the Board shall publish a brief notice of the application in the *Danish State Gazette* in accordance with rules to be laid down by the Minister of Agriculture. Any person whose interests may be affected shall be called upon in the notice to submit his objections against registration. The Board can repeat this publication immediately before final registration.

(2) If the Board finds that an objection — apart from objections against the applicant's title — is justified the Board can, after having given the applicant the right to submit his observations in the case, uphold the objection and delete the application from the Journal and stop the trial cultivation. In such case the Board shall give notice to the objector and to the applicant and likewise insert a notice in the *Danish State Gazette*. If the objection is to the effect that the applicant's title to the new plant for which application has been made is defective, the Board shall refer the objector to bring an action against the applicant in conformity

with the provisions of Section 18 (2). Where the Board has received information regarding the suit, the Board shall provide the application with an endorsement to that effect.

Section 9

(1) Before the new plant variety for which an application has been made can be entered in the Register of New Plant Varieties, the Board shall ascertain, by means of trial cultivations undertaken at the instance of the Board, that the new plant satisfies the conditions laid down in Section 1 (cf. Section 2), and that the new plant variety possesses the special characteristics described in the application.

(2) The Minister of Agriculture shall decide, or permit the Board to decide, where trial cultivations shall be conducted. As regards groups of cultivated plants for which an official trial arrangement is already established, the official arrangement shall preferably be used also in the case of trials of new plant varieties.

(3) The normal period of trial cultivation shall be laid down by the Minister of Agriculture for the individual groups of plants, but the Board may shorten the period in exceptional cases, where the new plant has been the subject of trials at recognized institutions in Denmark or abroad. Furthermore, the Board may extend the period when, in particular instances, it has proved to be too short for the Board to reach a decision with sufficient certainty as to whether the conditions for inclusion in the Register may be regarded as having been fulfilled.

Section 10

(1) When at the conclusion of the trial cultivation it has been found that the new plant variety may be regarded as fulfilling the conditions in Section 1 (cf. Section 2), the new plant variety shall be registered in the Register of New Plant Varieties under the name of the variety or strain given by the applicant (cf. Section 11). Where a suit is pending this must also be registered [cf. Section 8 (2)].

(2) A notification concerning the registration shall be inserted in the *Danish State Gazette*, and at the same time the Board shall prepare a title of protection which shall be delivered to the applicant.

Section 11

The new plant variety shall in all circumstances — even after the expiry of the protection — be described [cf. para. (4)] by a variety name in conformity with the rules which are to be laid down by the Minister of Agriculture.

(2) A description, which is protected as a trademark for plants of the same or related variety, must not be used as a variety or strain name. Nor may a description be used which is likely to cause confusion. It is permitted, in addition to the name employed, to use a trademark, personal or firm name, a place name or the distinctive name of an estate.

(3) The name of a plant variety of the same or related variety existing at the time of the granting of the protection must not be used as a variety or strain name for a new plant variety, nor must a description be used which is likely to

cause confusion. It is prohibited in respect of subsequent new plant varieties to use the variety or strain name for a new plant variety of the same or related variety for which plant protection is or has already been granted, or a description which may be confused therewith.

(4) In the case of approved seed propagated plants, the use of variety or strain names may be omitted subject to the consent of the breeder. It is prohibited to use variety or strain names, which are contrary to the provisions of Section 2 (3).

(5) Upon the request of the breeder, the Board can permit, in special cases, that the new variety be given another name than that which the new variety had originally been given, or permit that translation into Danish be used instead of a foreign name.

Section 12

(1) In the case of forest trees, fruit trees, fruit tree stocks and ornamental trees, the protection expires after 18 years reckoned from the day of the entry in the Register of New Plant Varieties.

(2) In the case of plants other than those mentioned in para. (1), protection of breeders' rights shall expire after 15 years reckoned from the day of the entry in the Register of New Plant Varieties.

Section 13

As a condition for the maintenance of the protection, the breeder shall:

1. maintain the new variety in such a way that it remains stable [cf. Section 1 (3) (c)];
2. upon request of the Board, prove that the new plant variety is being maintained, and make available to the Board the material required for checking;
3. if orders have been received within a reasonable time, place suitable material of the protected new plant variety at the disposal of the public through the usual business and production channels for plants of the relevant variety;
4. pay a regular fee which shall be fixed by the Board.

Appeals against the decisions of the Board may be brought before the Minister of Agriculture within 4 weeks.

Section 14

(1) Entry in the Register of New Plant Varieties gives the breeder the right, so long as the protection is maintained (cf. Section 12), to require a fee from every person, who commercially propagates the new plant variety. Where the fee is not required as a non-recurrent fee, it shall generally be calculated per plant or, in the case of seed (stock seed, pedigree seed, seed potatoes etc.) by weight. The agreement made between the parties concerned shall be in writing.

(2) The conditions made by the breeder for the delivery of plant material shall not be unreasonable. Other things being equal, the fee for the new plant variety concerned shall be the same for all parties.

(3) A person who commercially propagates a plant which is recorded in the Register of New Plant Varieties is required

of his own accord to give the breeder the information which is required for the calculation and recovery of the breeding fee.

(4) A person or body corporate who has, in good faith, acquired material of the new plant variety before its entry in the Register of New Plant Varieties may, in calculating the fee to be paid to the breeder, deduct an amount corresponding to the loss which he has suffered by arranging his production in good faith on the assumption of charge-free use of the new plant variety.

Section 15

Protected new plant varieties can be freely used in actual breeding work.

Section 16

(1) Where the Board, on inspection, finds that the new plant variety has not been sufficiently maintained [cf. Section 13 (1)], or where the breeder fails to comply with the Board's request to provide the necessary material for the purpose of inspection [cf. Section 13 (2)], the Board can decide that the new plant variety shall be deleted from the Register of New Plant Varieties. The Board can decide that the new plant variety shall be deleted, when the breeder fails to pay the fee fixed in Section 13 (4), within 4 months after the date when it fell due.

(2) Nevertheless, removal from the Register can only take place within the period of validity of the registration on the request of the breeder or with his consent or by judicial decision (cf. Section 18).

(3) Removal from the Register in pursuance of paras. (1) and (2) shall be published in the *Danish State Gazette*.

Section 17

The Board's decision as to whether a notified or registered new plant variety possesses the characteristics and the stability mentioned in the application [cf. Section 1 (3) (c)], is final and cannot be brought before the court.

Section 18

(1) Upon the request of a person who has a legal interest in a new plant variety such new variety may be struck off the Register by court decision,

- (a) where the breeder fails, within a reasonable time, to deliver suitable propagating material of the new plant variety in conformity with the provisions of Section 13 (3);
- (b) where the breeder sets unreasonable conditions for the sale of propagating material [cf. Section 14 (2)];
- (c) where the breeder, on application or at a later date, has given the New Plant Varieties Board incorrect information which has been of importance with regard to the entry in the Register [cf. Section 17 (1) and (3) and Section 2 (1) (b)]; or
- (d) where it is subsequently established that the plant notified as a new variety did not, at the time of application, fulfil the conditions laid down for a new variety (cf. Sections 1 and 2).

(2) The question as to the person who is entitled to a notified new plant variety may, either before or after its final entry in the Register, be brought before the tribunal by the person who regards himself as having a prior right to the new plant variety, and where the tribunal holds that the plaintiff has a better title to the new plant variety than the applicant or the person entered in the Register, the Board shall transfer the protection to the person who has the better title.

(3) The suits mentioned in paras. (1) and (2) shall be brought against the breeder (i. e. the owner of the protected breeder's right) or his authorized agent [cf. Section 6 (1)].

Section 19

Where an agreement cannot be reached on the amount of the fee to be paid to the breeder, or on the other conditions of the transactions (cf. Section 14), either party or organizations of interested breeders may bring the matter before the Board set up for this purpose by the Minister of Agriculture. The decision of the Board shall be final. The Minister shall lay down detailed rules for the Board's activity.

Section 20

(1) A person who professionally propagates a protected plant without voluntarily giving the information required in Section 14 (3) shall be liable to a fine, provided that he is not liable to a heavier punishment under general statutory provisions.

(2) The same penalty shall apply to a person who contravenes a valid stipulation of his contract which forbids the re-sale of propagating material or who unwarrantably acquires the new plant variety or passes on propagating material. A person who, in contravention of the above provisions, disposes of propagating material shall be bound to compensate the breeder for loss which he may suffer as a consequence of the prohibited transaction in the new plant variety, and may, by the decision of the court be held liable to pay the breeder a fine not exceeding kr. 5,000 even if the breeder cannot furnish proof of the amount of his loss.

(3) Punishments according to paras. (1) and (2) can only be inflicted when the offender has been guilty of intentional or gross negligence. The offender shall be liable to private prosecution.

(4) Any person who abuses his right under the registration in the Register of New Plant Varieties by setting up conditions which are grossly unreasonable or which have been repeated several times for the sale of propagating material of new plant varieties shall be liable to a fine.

(5) Any person transgressing the provisions of Section 11 (1) and (4) shall be liable to a fine.

Section 21

(1) This Act does not apply to the Faroes and Greenland.

(2) This Act shall come up for revision in the Parliamentary year 1964-65.

GENERAL STUDIES

Cooperation between the Socialist Countries Members of the Council for Mutual Economic Aid (COMECON) in the Field of Industrial Property

By Dr. Gyula PUSZTAI, Chief, Legal Section,
National Office of Inventions, Budapest

The results of the cooperation existing in various fields between the socialist countries participating in the work of the Council for Mutual Economic Aid (COMECON)¹⁾ are not uniformly known to those interested in these results. It is believed that, so far, too little publicity has been given to such results, particularly in the field of industrial property. This is regrettable, the more so as the results of international cooperation in the same field among Western countries are rather well known to specialists.

The present article is intended to cover the gap in the documentation concerning achievements in the cooperation of COMECON countries in the field of the protection of industrial property, with regard to the given possibilities limited to the main questions, and without attempting to give a detailed account of preparatory work, debates and different views.

I

States participating in the establishment and operation of the Council of Mutual Economic Aid (COMECON) were and are guided by the aim to promote the pursuance of common goals determined by their common economic and social system — to contribute to each other's economic development, to profit from the division of labour, to assure to socialist countries an advantageous position in the peaceful competition with capitalist economy, and to ensure through all these factors increasing supplies to meet the needs of their peoples.

The protection of industrial property has an important role to play in the implementation of these tasks. By its means, authors of technical creations are rewarded morally and materially; the security of enterprises producing inventions is assured by patents, trademarks and industrial designs. The importance of such protection is given particular emphasis — as can easily be understood — in the competition with capitalist economy, at the level of enterprises competing with rival capitalist undertakings.

It is by no means an accident that developed capitalist States are utilizing the improvement of their cooperation in the field of the protection of industrial property to diminish certain contradictions in capitalist economics and to establish a common attitude towards the socialist camp.

¹⁾ Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Rumania, Union of Soviet Socialist Republics.

To allege, however, that the main factor inducing socialist countries to cooperate in the protection of industrial property is the desire to establish a common policy towards capitalist economy would certainly be an exaggeration. The need for cooperation stems primarily from the ever-increasing development of the economies of these countries, and the full and timely utilization of their respective technical and scientific achievements.

II

It is well known that COMECON countries started the construction of socialism on different levels of industrial development. These differences, and others deriving from the traditional international relations of each country — in particular from its trade relations — brought about divergencies in the industrial property legislations of the respective countries.

Therefore it has become inevitable, in order to establish efficient cooperation in the field of the protection of industrial property, to proceed to the unification of the basic provisions in these countries.

When this need was recognized, a conference was called in Berlin in 1959 to which were invited the representatives of the Offices of Inventions of the COMECON countries. Delegates of the following countries participated: Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Rumania, USSR. The People's Republic of China sent observers.

The participants recognized that a new type of relationship had developed between socialist countries, characterized by fraternal cooperation and sincere mutual aid. The most important form of cooperation consists in the development of economic, scientific and technical relations ensuring an increased rate of industrial and agricultural development by diminishing requirements as regards labour and means of production, and by a more rational utilization of investments and raw materials. In this respect, the exchange of discoveries, inventions and innovations and the mutual protection of technical creations are of particular importance.

In order to promote this aim, the conference suggested that the participating countries start comparative studies in order to define and improve the basic principles and notions of their legislation in industrial property with a view to their unification.

Three working groups were created to perform this task: the first group, to unify the concepts of legislations for inventions and innovations and to improve the methods of novelty examinations; the second group, to unify the concepts of trademark and industrial design legislations; the third, to prepare a unified patent classification. The secretariat of the first group was organized within the framework of the Soviet State Committee for Inventions and Discoveries; the secretariat of the second group was established at the Czechoslovak Patent Office; and the secretariat of the third group was organized at the Patent Office of the German Democratic Republic.

These secretariats started to work in 1960. The allotted task was to draw up working plans and to prepare drafts for the unified concepts and regulations.

The great importance of the 1959 conference consists in the fact that it defined the outline for cooperation between the Offices of Inventions of COMECON countries and established the organizational framework for such cooperation.

In order to review achievements in cooperation since the conference of Berlin, we must examine more closely the work done by the different secretariats.

III

Secretariat No. I, in charge of the unification of the concepts in the legislations on inventions and innovations and of the improvement of novelty examination of inventions, worked out appropriate recommendations for practically all the important questions in the field concerned.

First of all, it insisted that all socialist countries establish legal protection and centralized registration for discoveries, and that the material and moral rights of authors of discoveries should be recognized. The concept of discovery was defined as follows: "By discovery is understood the establishment by theoretical proof or by experiments of hitherto unknown objective laws, properties or phenomena of the material world".

Legal protection of the discovery should not cover geographical, archeological and paleontological discoveries, discoveries of minerals or ore, and discoveries in the field of social sciences. The date of priority will be the day of application to the competent organ, determined by law, or the day when the discovery acquired its final definition. In the latter case, an application should be submitted within three years from the date of final definition.

Recognizing the great significance of the development of an organized movement of inventors in the improvement of technical development, the socialist States attach great importance to the material and moral incentives given to the inventors and to the safeguarding of such forms of protection as express social and individual interests appropriately.

The concept of invention was defined, in regard to legal protection, in the following terms: "By invention is understood a new technical solution of a problem embodying progress compared to the known level of technology".

There was an understanding that inventions contrary to socialist morals cannot enjoy legal protection. Priority of an invention should be counted from the day when the application was submitted to the Office of Inventions in due form — provided that the essence of the invention can be understood from it.

As forms of protection, authors' certificates and certificates of this type, as well as patents, were suggested, with 15 years as the period of protection. The formalities of applications and rules concerning compulsory licences were drafted, practically according to existing provisions.

Participating States also expressed their views in regard to the notion of innovation. "By a proposal of innovation is understood a proposal accepted for utilization by an enterprise or organization, which contains the technical solution of a task, and consists of a rational alteration of the production process, structural outlay or technology, or of the ma-

terial, provided that it was not used or worked out before at the enterprise or organization to which it is now submitted and that it did not figure in the plan of the enterprise or in the arrangements of its superior organ communicating the given task."

In the course of the work of the participating States, Secretariat No. I worked out detailed recommendations concerning such questions as: inventions excluded from protection and patentable inventions, extension of protection from process to material, the definition of inventive step, subjects of the right of invention, procedure for examination of applications, legal protection of inventions of addition, settlement of disputes arising from inventions, expiry of protection, conditions of annulling protection, unified structure for the drafting of specifications, factors detrimental to a claim, policy questions of the cooperation of socialist States in the field of patents.

IV

Secretariat No. II, in charge of the unification of the concepts of trademarks and industrial design legislation, worked out uniform recommendations for the following problems:

Participating States recognized the need to recommend the use of trademarks for the greatest possible number of goods marketed in socialist countries. The concept of trademark was defined as follows: "By trademarks — for goods or services — is understood such marks as are used by enterprises to distinguish their goods or services from similar goods or services of other enterprises and to facilitate for the consumer the choice of the goods or services of a desired quality. Trademarks can consist of words, figures, and combinations thereof; trademarks can be three-dimensional, audible trademarks, or others".

Subjects of trademark rights are production or trade enterprises, servicing enterprises, cooperatives, or the unions of all these organizations. The right to a trademark arises from registration in accordance with the relevant rules. Trademarks which cannot be distinguished from similar or identical marks registered previously, which violate public order or morals, which mislead or contain without due authorization the coat-of-arms, flag, sign or other symbol of a State or an international organization, cannot be registered.

The period of protection for trademarks is 10 years, and this period may be extended. A trademark can only be transferred together with the enterprise or branch of production for which it has been registered. The recommendations include provisions for trademark licences and the conditions of expiry of trademark rights. Participating States unanimously adopted for future use the international classification of goods and services related to trademarks.

Participating States thought it practical to introduce the protection of industrial designs in socialist countries. According to the adopted recommendation: "By industrial design is understood any new shape of the product which expresses special forms of figures, drawings, colour-combinations, etc., and is capable of industrial realization".

It is useful to register industrial designs on the basis of novelty examination and, furthermore, to regulate the condi-

tions of refusal of registration and cancellation. The period of protection for industrial designs is five years and may be extended once for another five years.

One application may contain several, but at most 50, variations of the same design.

The recommendations dealt with the rights of authors who created their designs in service, with the renunciation of the right to an industrial design in favour of the State, and with the problems of licences and compulsory licences. The use of the uniform international classification for industrial designs was adopted.

Secretariat No. II paid considerable attention to the unification of indications of source, besides the questions mentioned above.

These activities are still in progress. Participating States studied at a special session the draft international agreement for the international protection of type faces.

V

Secretariat No. III, in charge of the preparation of a uniform patent classification and the unification of patent documentation, assessed all the problems in its field of inquiry and adopted recommendations for many of them.

It was recommended that socialist States adopt the international patent classification as the basis of classification of patent documentation. Time-tables were worked out to introduce simultaneously in socialist States special subdivisions of the international patent classification. Measures were recommended to supplement the international patent classification and to re-classify existing collections of patent documentation. The parallel use of the international decimal classification to facilitate for interested bodies the classification of patent documentation was also studied. Unified forms and a set of data were worked out for publishing patent specifications in socialist countries. A service of mutual information was established concerning the results of these activities.

Secretariat No. III paid special attention to the improvement of novelty examination. For this purpose, a service was set up to supplement the collection of patent specifications of participating countries, and also to speed up the exchange of patent documentation. A special working group was established to study automation of patent research, to assess automated research methods already in use, and to make use of the results of experiments under way in participating countries.

The Secretariat studied the experiments concerning the utilization of technical-economic information relating to inventions of particular importance. In order to establish an appropriate organization of information, unified recommendations were worked out specifying criteria for the selection of such inventions, for the contents of information relating to them, and for the uniform outlay of such information.

The work directed by Secretariat No. III helped to improve cooperation among socialist States, both in the field of novelty examination in the national Offices of Inventions of the participating countries and in the use of patent do-

cumentation by experts. The activities of Secretariat No. III offered, by their special characteristics, the most conspicuous uplift for practical work.

VI

Besides the work of the above-mentioned Secretariats, the Offices of Inventions of socialist countries, cooperating within the framework of COMECON, are paying considerable attention to the problems of the international protection of industrial property outside the cooperation of socialist States.

As is well known, recent years have shown increased activity in the development of international protection of industrial property. The initiative was taken by the Member States of the Paris Union for the Protection of Industrial Property; the International Bureau in Geneva (BIRPI) has done very useful work in the organization of such activities. The different Unions for the protection of industrial property expressed the desire to modernize these organizations, which had done such a good job for so long a time, and to transform them in such a way that Member States could themselves direct the respective Unions. To achieve this purpose the administrative and budgetary problems of these Unions had to undergo thorough study.

States participating in cooperation for the protection of industrial property and experts on such cooperation have become increasingly aware of the need to establish a world organization which should have general competence to maintain and develop cooperation for the protection of intellectual property. Moreover, recent years have witnessed successful activities in the field of the preparation of international agreements, which will establish increased protection in certain sectors of intellectual creation.

The development of international cooperation for the protection of industrial property, outlined above, raised many questions in regard to which socialist countries had to arrive at a common stand. To meet these needs, the Offices of Inventions of the socialist countries participating in COMECON

created a fourth working group, the task of which is to deal with the cooperation of socialist countries in organs for the international protection of industrial property. The secretariat of this working group was organized at the Hungarian National Office of Inventions.

Secretariat No. IV has dealt in the course of its activities with all problems which arose concerning cooperation for the international protection of industrial property. Recommendations were worked out regarding the preparatory material of forthcoming conferences organized by BIRPI, the achievements accomplished by this Organization, and other activities of the Unions for the protection of industrial property.

Special attention was given to the assistance rendered to economically under-developed countries in the field of the protection of industrial property, and to the preparation of the Diplomatic Conference to be held in 1967 in Stockholm to establish a World Intellectual Property Organization and to sign an Administrative Convention.

These questions were dealt with also by the legal committees of the national Offices of Inventions in the COMECON countries.

VII

The present article is purely informative and cannot deal with problems concerning the promotion of the exploitation of technical creations, their exchange, and the related legal problems which arise in regard to cooperation between socialist States.

The main purpose of cooperation between socialist States in the field of the protection of industrial property — as may be seen from the above outline — is to safeguard the basic interests of these countries. Nevertheless this cooperation is not intended to involve unfavourable discrimination for anybody. On the contrary, it makes use, wherever possible, of legal concepts and methods well known in the Paris Convention for the Protection of Industrial Property.

BOOK REVIEWS

Model Law for Developing Countries on Inventions. 124 pages, 28 × 21½ cm. Published by BIRPI, Geneva, Switzerland, 1965. Price: Swiss francs 12 or U. S. \$ 2.75.

In this issue of *Industrial Property* readers will find an Order Form for this publication.

This Model Law results from an examination by a Committee of Experts from 22 developing countries of a draft prepared by BIRPI.

It aims at suggesting suitable legislation on the protection of inventions with special attention to the needs of developing countries and includes an ample commentary on each Section. It is not intended to be a uniform law, but merely a model which any country may adapt to its own circumstances.

The Model Law also includes provisions for the protection of technical know-how and possible addenda on patents of introduction and inventors' certificates.

French and Spanish versions of the Model Law will be published before the end of 1965.

* * *

The Draft European Patent Convention - A Commentary with English and French Texts, by G. Oudemans. One volume of 247 pages, 25 × 15 cm. Published by Stevens & Sons Ltd., London, 1963, and Matthew Bender & Co. Inc., New York, 1963.

As indicated by its title, this book reproduces the French text and an English translation of the "Draft European Patent Convention" as established by a group of experts of the six Member States of the European Economic Community, and contains a commentary in English on the future Convention.

The Draft Convention originates from a desire often expressed in the interested circles of the six Member States of the European Economic Community that once the customs barriers were abolished, these should not be replaced by barriers originating from different patent laws. However, it tends to go beyond the scope of the Common Market, since it provides that any State which is a party to the Paris Convention may accede to the future Convention or become an associate member by virtue of a special agreement. The fact that the languages to be used by the future European Office are German, French and English (which is not an official language of any Member State of the EEC) confirms the trend towards universality. For this reason alone, the draft Convention is of interest to all States, whether or not they are members or associate members of the Community.

According to Mr. Oudemans, the basic idea of the authors of the Draft Convention is to establish a supranational patent system in conformity with the principles of the Paris Union, capable of co-existing with often divergent national systems, and being a compromise between the systems in which patents are granted without search and those which provide an examination as to patentability, and aiming at holding a fair and equitable balance between the interests of the inventor and those of the public; the aim is also to set up a supranational patent office with a common procedure in a region where at least ten languages prevail or are officially in use. It therefore follows that the draft Convention will be of considerable interest to all those parts of the world where a desire for uniformity in the systems of industrial property protection is shown.

The uniformity contemplated cannot of course be realised without first removing certain divergencies. It is also not surprising that members of the Working Group held different opinions as to the nature of the common patent.

If it is accepted that national patents will co-exist side by side with the common patent, the minority of the Working Group conceived the common patent rather on the same lines as the international trademark

of the Madrid Agreement, i. e., as a title which enjoys in each Contracting State the same protection as a national title, whereas the majority tended towards the creation of a single title of protection valid for all the Contracting States and independent of national titles. Consequently, the majority considered that any person who so desired, should be able to apply for a common patent, that the new Convention must define in a uniform manner and for all Contracting States the rights conferred by the common patent and that compulsory licenses in respect of common patents should be granted by the common authorities on grounds specified by the new Convention and valid for all the territories of the Contracting States; the minority, on the other hand, considered that the common patent application should be based on one or several national patent applications and be limited to natural or legal persons possessing the nationality of one of the Contracting States, and that the common patent should only grant to the patentee (proprietor-owner), in each Contracting State, those rights granted by the national patent and that compulsory licenses in respect of the common patent should be granted by the national authorities of each Contracting State according to its legislation and within the limits of its territory.

However, the experts established a remarkable draft, as it is capable of being adapted to both trends and regulates in a uniform manner all common law on patents, namely:

- patentability (including novelty, inventive step and industrial application);
- the effects of a patent;
- the term of a common patent, which will be the same for all countries;
- the rights attached to a patent (mortgaging, distraint, contractual licensing, etc.);
- infringement proceedings;
- the working and financing etc., of a common Patent Office and of a common Patent Court;
- all the procedure, established in a most interesting manner and which may be usefully summarised here as follows: applications will be filed at the common Patent Office either directly or through the intermediary of the national patent offices; applications will be examined as to patentability, industrial application etc., then a novelty report on the invention is made (which might be handled by the International Patent Institute); the application is then granted a provisional patent and is published by the common Patent Office; subsequently, the provisional patent can either be cancelled or, on the other hand, receive confirmation as a final patent according to the procedure laid down which provides for an examination (on the request either of the patentee or that of a third party) and for opposition filed by a third party; naturally appeals may be lodged with the Board of Appeal of the common Patent Office and further appeals with the common Patent Court.

The observations and commentaries by Mr. Oudemans — which unfortunately cannot be summarised here because of lack of space — will be of considerable interest to all those persons who have not been in a position to follow the debates of the Working Group which established the draft Convention and will enable them to have a better grasp of the scope of this text.

This study will no doubt come as a most useful instrument of work to all persons who, for some reason or another, are interested in the trends for harmonising and modernising the systems of industrial property protection in both industrially developed countries and developing countries.

G. R. W.

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Licensing in Domestic and Foreign Operations, by Lawrence J. Eckstrom.

One volume of 1040 pages, 28 × 21 cm. Third edition, Foreign Operations Service Inc., Essex (Connecticut), 1964.

The main purpose of this book is to serve as a practical guide for interested circles in America concerned with licensing operations both in the United States and in foreign countries, the legislation of which is not necessarily familiar to them.

It is published in the form of a loose leaf (cardboard) bound volume and is divided into three main parts.

The first part consists of sixteen chapters covering respectively:

- licensing in general;
- preliminary market and marketing research;
- statutory industrial property rights (on patents, trademarks, copy-rights, according to the principal national systems and existing inter-governmental conventions);
- non-statutory rights and particularly know-how;
- management and cooperation of industrial property rights (filing of patent applications abroad, programs and development, exploiting of unpatented ideas etc.);
- effective protection of industrial property rights (statutory and non-statutory rights);
- negotiating and finding licensees;
- government and private programs relating to foreign operations (including international financing agencies, and private financing and insurance overseas);
- the license agreement;
- the terms, conditions and general provisions of licensing contracts;
- commercial arbitration (in the principal countries, international conventions and treaties, private arbitration organizations);
- anti-trust laws in the United States;
- anti-trust laws in other countries (including the anti-trust provisions of the EEC and EFTA, etc.);
- tax planning for licensing operations;
- equipment leasing in licensing operations;
- aid and assistance on foreign legal matters outside the United States.

The second part of this book contains different types of contract forms (patents, know-how, trademark licensing agreements etc.).

Lastly, the third part consists of an exhaustive bibliography on books dealing with the problem of licenses.

This volume which is the result of numerous meetings and seminars held in the United States on licensing problems — principally organized by the American Management Association — is therefore primarily aimed

at facilitating the task of American business firms desirous of exploiting their inventions and know-how, and of investing abroad. Because of the scope of the problems covered, the number of national and international systems studied, the numerous points of detail supplied, the check-lists, the variety of model contracts listed and its practical form, this book has undoubtedly achieved its aim.

G. R. W.

* * *

Patentrecht, Marken-, Muster- und Modellschutz [Patent, Trademark and Industrial Design Law], by *Rudolf E. Blum*, Doctor of Laws. One volume of 220 pages, 21 × 15 cm. Published by Verlag Organisator AG., Zurich, 1965. Price: Sfr. 31.—. (In German)

The author, who is already well-known for his scientific work in the industrial property field, has undertaken the writing of a "guide on industrial property, the law on patents and related questions on unfair competition". The book is primarily for the benefit of the uninitiated anxious to obtain quickly information which, although easily assimilated, none the less has a scientific basis. This is the second edition of the guide book which is evidence of its usefulness to its buyers.

The concept of the book is original. It begins with a brief chapter containing a summary of the matter for the "hurried" reader. For more detailed information, the reader is referred to the main text. Should the reader wish to obtain even more specific information, he will find a list of the main studies dealing with a particular problem as well as the complete text of the legal provisions applicable in Switzerland.

The provisions governing industrial property in the Principality of Liechtenstein are covered briefly in an annex.

The reader will also find in the book a voucher which entitles him to a free consultation with the editor on such questions which are not clear to him, an original idea which will certainly be much appreciated.

R. W.

CALENDAR

Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
September 28 to October 1, 1965 Geneva	Interunion Coordination Committee (3 rd 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
September 29 to October 1, 1965 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (1 st 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
November 15 to 19, 1965 Paris	Twelfth Ordinary Session of the Permanent Committee of the Berne Union	Consideration of various questions concerning Copyright	Belgium, Brazil, Denmark, France, Germany (Fed. Rep.), India, Italy, Portugal, Rumania, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland	All other Member States of the Berne Union; interested international intergovernmental and non-governmental organizations
December 13 to 18, 1965 Geneva	<i>Ad hoc</i> Conference of the Directors of National Industrial Property Offices	Adaptation of the Regulations of the Madrid Agreement, Nice Text (Trademarks)	All Member States of the Madrid Agreement (Trademarks)	All other Member States of the Paris Union

Meetings of Other International Organizations concerned with Intellectual Property

Place	Date	Organization	Title
Stockholm	August 23 to 28, 1965	International Literary and Artistic Association (ALAI)	Congress
London	August 31 to September 10, 1965	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)	Fifth Annual Meeting
Paris	October 25 to 30, 1965	International Confederation of Societies of Authors and Composers (CISAC)	Federal Bureaux, Legislative Committee and Confederal Council
Buenos Aires	November 6 to 11, 1965	Inter-American Association of Industrial Property (ASIPI)	Congress
Tokyo	April 11 to 16, 1966	International Association for the Protection of Industrial Property (IAPIP)	Congress
Prague	June 13 to 18, 1966	International Confederation of Societies of Authors and Composers (CISAC)	Congress

INVITATION FOR APPLICATIONS FOR A POST IN BIRPI

BIRPI announces a vacancy for the following post:

Legal Assistant in the Copyright Division

Qualifications required:

University degree in law or equivalent professional qualification; excellent knowledge of one of the official languages (English and French) and at least good knowledge of the other.

Principal duties:

Assist in the preparation of working documents, memoranda, studies in comparative law, minutes or reports of meetings on copyright matters; research work on given questions on copyright.

Nationality:

Candidates must be nationals of one of the member States of the Berne or Paris Unions. Preference will be given to candidates who are nationals of States of which no national is on the staff of BIRPI.

Conditions of employment:

Appointment will be in grade P. 2 or P. 3, according to qualifications and experience. Probationary period of two years; permanent

appointment after satisfactory completion of the probationary period.

Starting salaries per annum: 26,482 (P. 2) or 32,227 (P. 3) Swiss francs, subject to deduction of approximately 8,5% in respect of pension fund contributions.

Annual post adjustment: 4,770 Swiss francs (with dependants) or 3,180 Swiss francs (without dependants) for grade P. 2 and, respectively, 5,806 or 3,670 Swiss francs for grade P. 3.

Family allowance annual: 1,728 Swiss francs for spouse and 1,296 Swiss francs per child.

Conditions also include annual salary increases, home leave, full benefits of pension fund if under 35 and medical benefit scheme. Salary, post adjustment and family allowances are tax free.

An upper age limit of 50 will apply.

Compulsory medical examination.

Applications:

Candidates should apply to Head of personnel, BIRPI, 32, chemin des Colombettes, Geneva, Switzerland, for application forms. These forms duly completed must reach BIRPI before November 1, 1965.