

# Industrial Property

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# INTERNATIONAL UNIONS

## The Industrial Property Unions in 1969<sup>1</sup>

### Introduction

The most outstanding events in the field of industrial property during the year 1969 were the following:

(1) The work relating to the BIRPI plan for a Patent Cooperation Treaty (PCT) was pursued actively and, on the basis of the results of the deliberations of the Committee of Experts which met in December 1968, as well as of several meetings and consultations which took place during the first half of 1969, BIRPI prepared new drafts of the Treaty and the Regulations. These new drafts were published on July 11, 1969, as preparatory documents for the Diplomatic Conference which is to be held in the spring of 1970 (see page 4, below).

(2) In the field of technical assistance, BIRPI's activity was particularly intensive. Two industrial property seminars, one for Arab countries and the other for South American countries, were held in 1969. Moreover, BIRPI organized a meeting for developing countries on the organization and administration of Industrial Property Offices, jointly with the United Nations Industrial Development Organization (UNIDO) (see page 5, below). BIRPI also prepared a new Draft Model Law for Developing Countries on Industrial Designs (see page 5, below).

(3) The new organization of the Committee of the Paris Union for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) was put into effect. This Committee was set up by the Executive Committee of the Paris Union in 1968 for the purpose of reorganizing ICIREPAT within the framework of the Paris Union. The Plenary Committee, and the Technical Coordination Committee of ICIREPAT, as well as six Technical Committees, were established (see page 5, below).

(4) A Joint ad hoc Committee of the Council of Europe and BIRPI on the International Patent Classification was established with the aim of giving the International Patent Classification a universal character. This Committee considered the principles which should govern the planned revision of the European Convention on the International Classification and organized its work relating to the Classification itself by establishing a program of work and by setting up working groups (see page 6, below).

(5) During the year 1969, BIRPI continued and extended its cooperation with the United Nations and its various subsidiary bodies in accordance with the working agreement established in 1964 between the two Organizations (see page 6, below).

(6) Following negotiations between the Director of BIRPI, the Swiss Government, in its capacity as Supervisory Authority, and the Council of the Union for the Protection of New

Plant Varieties (UPOV), set up in 1968 after the entry into force of the Convention for the Protection of New Varieties of Plants, technical and administrative cooperation between the Bureau of UPOV and BIRPI has been established. The Director of BIRPI has been appointed Secretary-General of UPOV (see page 8, below).

(7) Studies were initiated in 1969 for the possible revision of the Madrid Agreement Concerning the International Registration of Marks. Following these studies, a document dealing with the questions to be examined with regard to any such revision and a first draft revised Agreement were prepared and published (see page 9, below).

### I

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

##### (1) State of the Union

The membership of the Union as at December 31, 1969, was 78<sup>2</sup>.

##### (2) Lisbon Act

During 1969, Austria acceded to the Lisbon Act of the Paris Convention with effect from November 30, 1969.

##### (3) Stockholm Act<sup>3</sup>

The United Kingdom, Rumania, Israel, Sweden and Hungary ratified the Stockholm Act of the Paris Convention; Sweden excluded Articles 1 to 12 from the effects of its ratification. The instruments of ratification were deposited on February 26, 1969, February 28, 1969, July 30, 1969, August 12, 1969, and December 19, 1969, respectively.

On December 31, 1969, eight of the 46 signatory countries had ratified the Stockholm Act, seven in its entirety and one excluding Articles 1 to 12 (the five countries mentioned above together with Ireland, Senegal and the Union of Soviet Socialist Republics, which had ratified the said Act in 1968); the number of ratifications and accessions is nine if one takes into consideration the declaration of accession by the German Democratic Republic, deposited on June 20, 1968.

The official texts in Spanish and Italian of the Stockholm Act were published in 1969.

##### (4) Denunciation of the Paris Convention

On January 3, 1969, the Royal Embassy of Laos in Paris confirmed to the International Bureau the denunciation by Laos of the Paris Convention (notified on October 26, 1967, and received by the Swiss Embassy in Djakarta on November 30, 1967). This denunciation took effect, in application of Article 17<sup>bis</sup> of the said Convention, on November 30, 1968 (see page 115).

##### (5) Acts in Force at the End of 1969

Of the 78<sup>2</sup> member States of the Paris Union as at December 31, 1969, 52<sup>4</sup> were bound by the 1958 Lisbon Act, 23 by the 1934 London Act and three by the 1925 Hague Act (see list of member States on page 11, below).

<sup>2</sup> Or 79, if the German Democratic Republic is also considered a party. States disagree on this question. See *Industrial Property*, 1964, p. 254, and 1967, p. 75.

<sup>3</sup> The Stockholm Act is not yet in force.

<sup>4</sup> Or 53, if the German Democratic Republic is also considered a party. States disagree on this question.

<sup>1</sup> Unless otherwise indicated, all page numbers in parentheses in the present report refer to the pages of *Industrial Property*, 1969.

*(6) Executive Committee of the Conference of  
Representatives of the Paris Union*

The Fifth Ordinary Session of this Committee was held in Geneva from September 22 to 26, 1969. The Committee examined and approved several reports on the activities of BIRPI in the field of the Paris Union since the 1968 session of the Committee.

The Committee further examined the proposals of the Director concerning the program and budget of BIRPI for 1970 in the field of the Paris Union and unanimously expressed a favorable view on these proposals, which were also agreed to by the Seventh Session of the Interunion Coordination Committee (see notes by BIRPI on pages 295 to 298).

## II

### Patent Cooperation Treaty (PCT)

#### *(1) Revision of the 1968 Drafts*

On the basis of the deliberations of the Committee of Experts which met in Geneva from December 2 to 10, 1968, and taking into account a great number of proposals formulated by that Committee, BIRPI revised the 1968 drafts of the Patent Cooperation Treaty (PCT) and its Regulations. The revised drafts were communicated to the States and international organizations which were convened to a series of meetings of consultants organized between April and June 1969.

The purpose of these meetings of consultants was the discussion of the revised drafts with the governmental experts of certain of the most interested States and with the International Patent Institute (IIB), as well as with representatives of interested international non-governmental organizations, in order to complete the new draft of the PCT taking into account simultaneously the needs and interests of the future users and those of the future administrators of the plan.

A first meeting of consultants, limited to the governmental experts of the six countries in which the greatest number of patent applications are filed according to the most recent statistics available and of the countries members of the working group of the Committee of Experts on Patents of the Council of Europe, as well as representatives of the IIB, was held from April 21 to 24, 1969. Thus, nine States and the IIB were invited and participated in the work.

A second meeting of consultants, limited to the delegates of interested international non-governmental organizations representing industry, was held on April 28 and 29, 1969. Seven organizations and the IIB were invited and participated in the work.

A third meeting, to which were invited, in particular, the international non-governmental organizations representing professional industrial property agents, was held on May 1 and 2, 1969. Six organizations and the IIB were invited and participated in the work.

The changes made in the PCT draft following these consultations were once more submitted to a meeting of consultants grouping the nine States mentioned above and the IIB; this meeting was held on June 16 and 17, 1969.

#### *(2) Preparatory Documents for the Diplomatic Conference*

On the basis of the results of all these consultations and of a great number of written and oral proposals which were addressed to it, BIRPI once more revised the drafts of the Patent Cooperation Treaty and Regulations and published these drafts (PCT/DC) on July 11, 1969, as preparatory documents for a Diplomatic Conference to be held in the spring of 1970 for the purpose of the adoption and signature of the Patent Cooperation Treaty. The PCT/DC drafts were sent to the Governments of the member States of the Paris Union, as well as to the interested intergovernmental and international non-governmental organizations.

The Governments and the international non-governmental organizations were invited to present their observations on these drafts, in writing, preferably before the end of January 1970, but, at the latest, by the end of February 1970.

The PCT draft as it appears in the PCT/DC documents provides that every applicant, a national of a State belonging to the PCT or domiciled in such a State, may file with his national Patent Office an international patent application which would have the same effect as if it had been filed separately in each of the contracting States in which the applicant wishes to obtain a patent. Each international application would be the object of an international search of which the result would be given in an international search report. Such reports, citing the documents which appear to be likely to affect the novelty or inventive activity of the invention, would be established by one of the major national Offices, or by the IIB, on the basis of an identical documentation and a similar method of search. The international patent application and the international search report would be published by the International Bureau, in general, 18 months after the filing date or of the priority date. The applicant could then go one step further and ask for what is called a preliminary international examination report. That report would also be established by one of the major national Offices or by the IIB. It would indicate whether the invention seemed to fulfil the criteria for novelty, inventive activity (non-obviousness) and industrial applicability. The Treaty would lead to very much simpler and cheaper procedures both for the applicant and for the national Patent Offices and would have beneficial effects for all those who are concerned with inventions and for all countries, including developing countries.

## III

### Technical Assistance

#### *(1) Seminars*

Two industrial property seminars were organized by BIRPI in 1969. The first, an Arab Seminar, was held for the purpose of exchanging views on questions concerning industrial property and their importance for developing countries; it was held in Cairo from November 3 to 7, 1969 (see page 332).

The second, which was for the South American countries, was held in Buenos Aires from November 11 to 13, 1969. The main purpose of the Seminar was to hold an exchange of

views on the application of the Paris Convention for the Protection of Industrial Property (see page 18, below).

### *(2) BIRPI/UNIDO Meeting on the Organization of Patent Offices*

Jointly with the United Nations Industrial Development Organization (UNIDO), BIRPI also organized an "Expert Group Meeting on the Organization and Administration of Industrial Property Offices." This meeting, which was held to study the different aspects of the organization and administration of Industrial Property Offices in developing countries, was held in Vienna from October 6 to 10, 1969. Experts from developing countries and from developed countries, as well as representatives of BIRPI and UNIDO, participated in the work.

### *(3) Model Laws*

A Model Law on Industrial Designs, together with a commentary, was drawn up by BIRPI. It was submitted to a Committee of Experts from Developing Countries, which met in Geneva from October 27 to 29, 1969 (see page 330).

BIRPI will revise and complete the Draft Model Law on the basis of the views expressed by the Committee of Experts. The new text will be published during the course of the year 1970. It will then be sent to the Governments and interested international organizations as well as to all the participants in the Committee of Experts.

### *(4) BIRPI Training Program*

In 1969, BIRPI continued its technical assistance program intended for government officials of developing countries, in cooperation with the competent authorities of member countries of the Paris Union. Fellowships for the training of nine government officials of developing countries were organized in 1969. Training periods average from two to three months.

## IV

### ICIREPAT

(1) The Organizational Rules of the new ICIREPAT, reorganized as the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices, entered into force on January 1, 1969. Besides an increase in the number of participating countries, the new structures of this organization were given effect in 1969.

(2) Pursuant to the declarations made during 1969 expressing a desire to participate in the work of ICIREPAT, the following 20 countries are now participating countries of ICIREPAT (with effect from January 1, 1969, unless otherwise indicated): Australia, Austria, Canada, Czechoslovakia, Denmark, Finland, France, Germany (Federal Republic), Hungary, Ireland, Israel, Japan, Netherlands, Norway, Soviet Union, Spain (with effect from April 1, 1969), Sweden, Switzerland, United Kingdom, United States of America. Yugoslavia has expressed the desire to become a participating country but has not yet made the necessary formal declaration.

(3) The principal body of ICIREPAT, the Plenary Committee, held its First Session in Geneva on September 18 and 19, 1969 (see page 271). The Plenary Committee elected, for a period of three years, Mr. W. E. Schuyler, Jr., Commissioner of Patents of the United States, as Chairman, and Mr. E. Armitage, Comptroller-General, Patent Office of the United Kingdom, as Vice-Chairman, adopted its Rules of Procedure, completed the evaluation of the past activities of ICIREPAT by approving the decisions taken in this respect by the Enlarged Transitional Steering Committee and by the Technical Coordination Committee, and discussed the program of ICIREPAT.

(4) The Technical Coordination Committee (TCC) of ICIREPAT held three sessions in 1969.

The First Session of the TCC was held in Geneva on April 17 and 18, 1969 (see page 158). The most important decisions taken by the TCC are the following:

(a) The TCC added to its membership by co-opting two further members, namely the Netherlands and Sweden. Following this decision the TCC is composed of the following participating countries: France, Germany (Federal Republic), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America.

(b) The TCC then proceeded to evaluate the past activities of ICIREPAT with the exception of the shared systems.

(c) Six Technical Committees (TCs) of ICIREPAT were set up, that is to say:

- TC I: Retrieval Systems, Design and Testing
- TC II: Technical Fields: Forward Planning
- TC III: Advanced Computer Techniques
- TC IV: Microform
- TC V: Patent Format and Printing
- TC VI: Systems Implementation

The TCC also elected the Chairmen and Vice-Chairmen of the TCs and defined the work to be done by them. The existence and the mandate of the Advisory Board for Cooperative Systems (ABCS), as a special working group of ICIREPAT, were confirmed.

The Second Session of the TCC was held in Geneva from September 17 to 19, 1969. The TCC prepared proposals for the ICIREPAT program for 1970. The work concerning shared systems and the establishment of standards for 8-up microform aperture cards was given priority. Several suggestions and requests formulated by the Technical Committees were discussed and decisions were taken concerning their mandates (see page 272).

The Third Session of the TCC was held in Geneva on December 12, 1969. The TCC elected, for a period of three years, Mr. Borggård (Director-General, Swedish Patent Office) as Chairman and Mr. P. van Waasbergen (Technical Director, IIB) as Vice-Chairman. Furthermore, the TCC adopted its Rules of Procedure and discussed a series of suggestions and requests put forward by the Technical Committees (a note on the session will be published in a forthcoming issue of *Industrial Property*).

(5) The six new Committees (TCs) of ICIREPAT met in Geneva for the first time between May 27 and June 12, 1969, and the ABCS met in London on May 22 and 23, 1969, in order to set themselves up within the framework of the new ICIREPAT and to discuss their programs of activities. A second series of meetings of the TCs and ABCS was held during the months of October and November 1969, in Munich, and in Geneva. At these meetings the TCs continued their work in accordance with their mandates.

## V

### International Patent Classification

(1) A Joint ad hoc Committee between the Council of Europe and BIRPI on the International Classification of Patents for Invention was set up in accordance with a decision of the Executive Committee of the Conference of Representatives of the Paris Union of September 1968, and with the approval of the competent organs of the Council of Europe given in March 1969. This Committee was set up to ensure, for a transitional period, the administration and the universal application of the International Classification and to prepare a revision of the European Convention with the aim of transforming it into a special agreement within the framework of the Paris Union so as to permit countries non-members of the Council of Europe to participate in it on an equal footing.

(2) The First Session of the Joint ad hoc Committee was held in Berne, from April 14 to 16, 1969; it was mainly devoted to a discussion of particular problems relating to the revision of the European Convention. In the light of this exchange of views, BIRPI and the Secretariat-General of the Council of Europe established a document entitled "Principles Governing the Revision of the European Convention on the International Classification of Patents for Invention." This document was approved by the Executive Committee of the Conference of Representatives of the Paris Union and, with some amendments, by the Committee of Experts on Patents of the Council of Europe. On the basis of these governing principles, the two Secretariats drew up the first draft Agreement on the International Patent Classification with a view to the preparation of the Third Session of the Joint ad hoc Committee, to be held in April 1970, and of the future Diplomatic Conference which it is proposed to convene, at Strasbourg, at the beginning of the year 1971.

(3) The Second Session of the Joint ad hoc Committee was held in Munich, from October 21 to 24, 1969. This session was for the main part devoted to the organization of the technical work of the Committee, intended to ensure a wide and uniform application of the Classification, and to the preparation of its first revision. A "Bureau," five permanent Working Groups and a temporary Working Group were set up to deal with the continuation of the technical work (see page 328). The Committee of Experts on patents of the Council of Europe, in its last session, approved the decisions taken by the Joint ad hoc Committee concerning the organization of its technical work.

## VI

### United Nations

In the course of 1969, BIRPI continued and extended its cooperation with the United Nations and its subsidiary bodies, in accordance with the working agreement established in 1964 between BIRPI and the United Nations. BIRPI was represented by observers in the meetings of the following United Nations bodies:

(1) the *Economic and Social Council* which, in its 46<sup>th</sup> and 47<sup>th</sup> Sessions, considered the problem of "arrangements for the transfer of operative technology to developing countries"; the Council adopted a resolution asking for the drawing up of a detailed and complete report, to be established after consultation with the Governments of member States and with the interested international organizations, concerning the need for strengthening and coordinating the United Nations mechanism in the field of the application of science and technology to development; this report should be examined by the Council at its 49<sup>th</sup> Session in 1970;

(2) the *Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD)* which, at its Ninth Session, decided to defer consideration of the question of transfer of technology to its Tenth Session, which is to be held in 1970;

(3) the *Industrial Development Board of the United Nations Industrial Development Organization (UNIDO)* which, in its Third Session, approved a program of work comprising the preparation of regional studies of laws in the industrial field, including those relating to industrial property, the training of officials in the field of industrial property, and a study concerning the possibility of creating a "Technology Bank";

(4) the *United Nations Conference on the Law of Treaties*, during the Second Session of which it became clearly apparent that the application of the new International Convention on the Law of Treaties, adopted on May 21, 1969, will not be prejudicial to the rules and practices already adopted in the framework of organizations such as BIRPI;

(5) the *Advisory Committee on the Application of Science and Technology to Development* which, in the course of its 10<sup>th</sup> and 11<sup>th</sup> Sessions, studied, in consultation with other organizations including BIRPI, questions relating to the mechanism of the United Nations in the field of science and technology and questions relating to the use of computer technology for development, including the problem of the protection of computer programs by patents and copyright;

(6) the *International Law Commission*, which held its 21<sup>st</sup> Session in 1969;

(7) the *Economic Commission for Europe (ECE)*, in the framework of which meetings were held of a Committee of governmental experts for scientific and technological cooperation and of the ECE Committee for trade and development;

(8) the *Computer Users' Committee*, a sub-committee of the Administrative Committee on Coordination of the United Nations.

Furthermore, BIRPI has maintained a close contact with the Secretariats of the various bodies of the United Nations.

## VII

### Other Matters

(1) *Contacts with States.* During the year 1969, the Director of BIRPI visited several member States of the Unions administered by BIRPI, in particular, Argentina, Brazil, India, Pakistan, the Soviet Union, Thailand, the United Kingdom and the United States of America. The meetings which he had with the authorities of these countries were held for the purpose of discussing problems relating to national legislation or questions concerning the conventions and agreements in the field of industrial property administered by BIRPI.

In the same year, the First Deputy Director visited, for the same purpose, or for exchanges of views concerning the draft Patent Cooperation Treaty, Australia, Colombia, Hungary, Mexico, the Netherlands, South Africa, the Soviet Union and the United States of America.

(2) *Council of Europe.* BIRPI was represented at a meeting of the Committee of Experts of the Council of Europe, which was held from November 12 to 14, 1969, in Strasbourg (see page 370).

The Committee examined, apart from the decisions taken concerning the International Patent Classification (see page 6, above), the problem of the harmonization of patent law. It decided that the Working Group entrusted with the examination of the revision of the European Convention relating to the formalities required for patent applications and other proposals for the harmonization of patent law should suspend its work until the Patent Cooperation Treaty and Regulations, as well as the Convention and Regulations relating to the European Patent, have been established in their final form.

(3) *European Patent.* BIRPI was represented at three meetings of Working Group I of the Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents, which were held in July, October and November 1969, in Luxembourg. The meetings were held to prepare the first draft Convention concerning the European Patent. BIRPI, in particular, assisted the Working Group in its discussions concerning the harmonization which it is necessary to establish between the proposed Patent Cooperation Treaty and the Convention concerning the European Patent in order to ensure the parallel application of the two systems.

(4) *Priority Fees.* In accordance with the recommendations adopted by the Stockholm Conference of 1967, BIRPI examined the usefulness and the feasibility of collecting a modest fee for each application filed with a national administration, whenever in any such application the right of priority provided for in the Paris Convention was claimed. The results of these studies were submitted to a Committee of Experts which met on September 30 and October 1, 1969, in Geneva. Opinions as to the usefulness and the feasibility of introducing priority fees were divided. The Committee adopted a recommendation according to which BIRPI should submit to the Conference of Representatives of the Paris Union, in 1970, the question of whether the studies initiated

concerning priority fees should be continued in the light of the report of the Committee (see page 17, below).

(5) *Publications.* The following publications, in particular, were issued in the course of 1969:

- (a) a *Guide to the Application of the Paris Convention for the Protection of Industrial Property*, written by the Director of BIRPI, Professor G. H. C. Bodenhausen, published in English, French and Spanish, and containing a commentary on each provision of the Paris Convention;
- (b) the Italian and Spanish texts of the Stockholm Act of the Paris Convention;
- (c) the Italian text of the Convention Establishing the World Intellectual Property Organization;
- (d) the Italian text of the Stockholm Acts of the Special Agreements;
- (e) the English and French texts of the Locarno Agreement Establishing an International Classification for Industrial Designs;
- (f) the International Classification of Goods and Services to which Trademarks are Applied, in a trilingual edition: English, French and German;
- (g) a report on the Transfer of Technology and the Grant of Licenses, in English and in French;
- (h) the reports and studies presented to the Tokyo meeting (1968) of the Committee for International Cooperation in Information Retrieval Among Examining Patent Offices (ICIREPAT) (English edition).

## VIII

### BIRPI and WIPO

#### (1) *Interunion Coordination Committee*

The Seventh Ordinary Session of the Interunion Coordination Committee was held in Geneva from September 22 to 26, 1969.

The Committee examined and approved the report of the Director on the activities of BIRPI since the last session of the Committee in 1968. The financial reports for the year 1968 were also approved. The Committee examined the proposals of the Director concerning the program and budget of BIRPI for 1970 and expressed a favorable opinion on these proposals (see page 295).

#### (2) *World Intellectual Property Organization (WIPO)*

##### *Ratification of the Convention*

With regard to the Convention Establishing the World Intellectual Property Organization (WIPO), eight instruments of ratification were deposited with the Director of BIRPI during 1969: the instrument of ratification of the *Ukrainian Soviet Socialist Republic*, deposited on February 12, 1969<sup>5</sup>, that of the *United Kingdom of Great Britain and Northern Ireland*, deposited on February 26, 1969<sup>6</sup>, that of *Rumania*, deposited on February 28, 1969<sup>7</sup>, that of the *Byelorussian Soviet Socialist Republic*, deposited on March 19, 1969<sup>8</sup>, that

<sup>5</sup> See *Industrial Property*, 1969, p. 62.

<sup>6</sup> *Ibid.*, p. 62.

<sup>7</sup> *Ibid.*, p. 62.

<sup>8</sup> *Ibid.*, p. 78.

of Spain, deposited on June 6, 1969<sup>9</sup>, that of Israel, deposited on July 30, 1960<sup>10</sup>, that of Sweden, deposited on August 12, 1969<sup>11</sup>, and that of Hungary, deposited on December 19, 1969<sup>12</sup>.

It is recalled that, in 1968, Ireland signed the WIPO Convention without reservation as to ratification, the German Democratic Republic deposited its instrument of accession, and Senegal and the Union of Soviet Socialist Republics deposited their instruments of ratification<sup>13</sup>.

The Convention Establishing the World Intellectual Property Organization has therefore been the subject, to date, of one signature without reservation as to ratification (Ireland), ten ratifications (Byelorussian Soviet Socialist Republic, Hungary, Israel, Rumania, Senegal, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland) and one accession (German Democratic Republic)<sup>14</sup>.

The Convention has not yet entered into force.

## IX

### The Union for the Protection of New Plant Varieties

(1) The Convention for the Protection of New Varieties of Plants, signed in Paris on December 2, 1961, establishing the Union for the Protection of New Plant Varieties (UPOV), entered into force on August 10, 1968.

(2) In the course of 1969, the Director of BIRPI continued and completed negotiations with the Swiss Government, in its capacity as supervisory authority of the Unions administered by BIRPI and of UPOV, and with the Council of UPOV, so as to reach agreement on the terms of the technical and administrative cooperation between UPOV and the Unions administered by BIRPI. Article 25 of the Convention for the Protection of New Varieties of Plants provides that the terms of this cooperation shall be established by Regulations, to be drawn up by the Swiss Government in agreement with the interested Unions. The said Regulations were promulgated by the Swiss Federal Council on October 21, 1969. They provide that the headquarters of UPOV are to be at the headquarters of BIRPI, in Geneva, and that the present Director of BIRPI, as well as any person who may hold that post in the future, will be Secretary-General of UPOV. The Regulations create the post of Vice-Secretary-General of UPOV; the latter, subject to the responsibilities of the Secretary-General, directs a "New Plant Varieties Department" of the Bureau of UPOV and is responsible, independently of BIRPI, for all questions concerning the substance of the Convention and all other activities relating to international cooperation in the field of the protection of new plant varieties. BIRPI is responsible for the organization of the administrative services of UPOV on an equal basis with the other Unions.

<sup>9</sup> *Ibid.*, p. 183.

<sup>10</sup> *Ibid.*, p. 235.

<sup>11</sup> *Ibid.*, p. 270.

<sup>12</sup> The text of the notification relating thereto will be published at a later date.

<sup>13</sup> See *Industrial Property*, 1968, p. 86, 242 and 354, and 1969, p. 3.

<sup>14</sup> Agreement has not been reached among the signatory States on the question of whether or not this accession should be considered valid.

On the basis of the above mentioned Regulations, the Swiss Federal Council, at its Session of October 21, 1969, appointed the Director of BIRPI, Professor G. H. C. Bodenhäuser, Secretary-General of UPOV.

(3) As far as the activity of UPOV during the year 1969 is concerned, its Council held two sessions, the first in Berne in February 1969, and the other as mentioned above, in Geneva, in October 1969. These two sessions, the second and the third of the Council, were for the main part devoted to the preparation of the administrative cooperation between BIRPI and the Bureau of UPOV. At its Third Session, the Council, in addition to the adoption of the above-mentioned Regulations, approved the administrative and financial regulations of UPOV as well as the programs and budgets of UPOV for 1969 and 1970; however, it was not able to make any definite proposal for the appointment of the Vice-Secretary-General.

## X

### Madrid Agreement

#### for the Repression of False or Deceptive Indications of Source on Goods

*State of Accessions.* At the end of 1969, the Agreement grouped 29<sup>15</sup> countries, of which 13 are bound by the 1958 Lisbon Act, 13 by the 1934 London Act and three by the 1925 Hague Act (see list of parties to the Agreement on page 13, below).

*Additional Act of Stockholm*<sup>16</sup>. — *Ratifications.* The United Kingdom, Israel, Sweden and Hungary ratified the Additional Act of Stockholm. Their instruments of ratification were deposited on February 26, 1969, July 30, 1969, August 12, 1969, and December 19, 1969, respectively.

## XI

### Madrid Union

#### for the International Registration of Marks

*State of the Union.* At the end of 1969, of the 21<sup>17</sup> member States of the Madrid Union, three (Austria<sup>18</sup>, Morocco, Viet-Nam) remained bound by the 1934 London Act, whereas 18 had become bound by the 1957 Nice Act. The Republic of San Marino (see page 183) invoked the benefit of Article 3<sup>bis</sup> of the Nice Act which means that the number of countries which benefit from this conventional provision is now eleven (see list of member States on page 14, below).

*Stockholm Act*<sup>19</sup>. — *Ratifications.* Rumania and Hungary have ratified the Stockholm Act. Their instruments of ratification were deposited on February 28, 1969, and December 19, 1969, respectively.

<sup>15</sup> Or 30, if the German Democratic Republic is also considered a party. States disagree on this question. See *Industrial Property*, 1964, p. 254, and 1967, p. 75.

<sup>16</sup> The Additional Act of Stockholm is not yet in force.

<sup>17</sup> Or 22, if the German Democratic Republic is also considered a party. States disagree on this question. See *Industrial Property*, 1964, p. 254, and 1967, p. 75.

<sup>18</sup> The formalities concerning the ratification of the Nice Act of the Madrid Agreement by Austria have now been completed. This ratification will take effect as from February 8, 1970.

<sup>19</sup> The Stockholm Act is not yet in force.



*Statistics.* The total number of registrations in 1969 was 11,435, to which 1,554 renewals, effected in accordance with the provisions of the Nice Act, should be added; the total number of registrations and renewals in 1969 was therefore 12,989, as against 12,737 in 1968.

*Revision.* In accordance with a decision taken by the Interunion Coordination Committee at its session of September 9, 1968, studies were initiated in 1969 with regard to a possible revision of the Madrid Agreement. The preparatory work for such a revision has two purposes: to eliminate from the Nice Act those drawbacks which have been noted in its application and to examine the possibility of introducing into the Madrid Agreement changes which could facilitate the accession of new countries to the said Agreement. This double purpose should, so far as possible, be attained without it being necessary to fundamentally change the present system. Consequently, the system envisaged up to now in the preparatory work consists in providing for an international filing which would constitute, as has been the case up to now, a simple centralized filing, the mark continuing to be subject, in principle, to examination by each of the contracting countries and, in each of the countries in which it would be accepted, to be assimilated to a mark registered nationally. The acquisition of the right to the mark, as well as its maintenance in force, in each of the contracting countries would therefore continue to depend on national legislation, subject to the provisions of the Paris Convention.

Following the above-mentioned studies, and in preparation for the first meeting of the Committee of Experts for the revision of the Madrid Agreement to be held in April 1970, BIRPI has drawn up and published a document containing the questions which could be examined by the said Committee and a first draft Agreement, based on a system of direct international filing, independent from any prior national registration.

## XII

### The Hague Union for the International Deposit of Industrial Designs

*State of the Union.* At the end of 1969, all of the 14<sup>20</sup> member States of the Union were bound by the 1934 London Act, while Belgium, France, Germany (Federal Republic), Liechtenstein, Monaco, the Netherlands, Spain and Switzerland were also bound by the Additional Act of Monaco (see list of member States on page 15, below).

*Additional Act of Monaco. — Ratification.* Spain ratified the Additional Act of Monaco. Its instrument of ratification was deposited on July 9, 1969 (see page 207).

*The Hague Act.* Up to the present date, three States have ratified the Hague Act of 1960: France, Liechtenstein and Switzerland. Failing the required number of ratifications, this Act is not yet in force.

<sup>20</sup> Or 15, if the German Democratic Republic is also considered a party. States disagree on this question. See *Industrial Property*, 1956, p. 21.

*Statistics.* During the year 1969, the number of international deposits was 2,301 as against 2,359 in 1967. Open deposits numbered 1,316 and sealed deposits 985. A total of 31,965 objects were deposited of which 1,169 were simple deposits and 30,796 were multiple deposits.

Of the 31,965 objects deposited, 17,984 were two-dimensional (*dessins*) and 13,981 three-dimensional (*modèles*).

## XIII

### Nice Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks

*State of the Union.* At the end of 1969, the Nice Agreement grouped 25<sup>21</sup> member States (see list of member States on page 16, below).

*Accession.* Austria acceded to the Nice Agreement with effect from November 30, 1969 (see page 326).

*Stockholm Act*<sup>22</sup>. — *Ratifications.* The United Kingdom, Israel, Sweden, and Hungary have ratified the Stockholm Act. Their instruments of ratification were deposited on February 26, 1969, July 30, 1969, August 12, 1969, and December 19, 1969, respectively.

## XIV

### Lisbon Union for the Protection of Appellations of Origin and Their International Registration

*State of the Union.* At the end of 1969, the Lisbon Union grouped nine member States (see list of member States on page 16, below).

*Stockholm Act*<sup>23</sup>. — *Ratifications.* Israel and Hungary have ratified the Stockholm Act. Their instruments of ratification were deposited on July 30, 1969, and December 19, 1969, respectively.

*Council of the Lisbon Union.* The Council established by the Lisbon Agreement held its Fourth Session in Geneva on September 25, 1969 (see page 298).

*Statistics.* During the year 1969, BIRPI effected 14 registrations of appellations of origin: 3 came from France, 2 from Hungary, 1 from Israel and 8 from Italy.

## XV

The following table shows the situation of the Acts in force at the end of 1969 (see also "Member States of the Unions for the Protection of Industrial Property," as listed below).

<sup>21</sup> Or 26, if the German Democratic Republic is also considered a party. States disagree on this question. See *Industrial Property*, 1964, p. 254, and 1967, p. 75.

<sup>22</sup> The Stockholm Act is not yet in force.

<sup>23</sup> The Stockholm Act is not yet in force.

### Table of Contracting States

The following table shows the situation of the Acts in force at the end of 1968 (see also "Member States of the Unions for the Protection of Industrial Property," as listed below).

Instrument	Number of Contracting States				
	Total	Bound by the Act of			
		Lisbon 1958	Nice 1957	London 1934	The Hague 1925
Paris Convention for the Protection of Industrial Property . . . . .	78 *	52	NA	23	3
Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods . . .	29 *	13	NA	13	3
Madrid Agreement Concerning the International Registration of Marks	21 *	NA	18	3	0
The Hague Agreement Concerning the International Deposit of Industrial Designs . . . . .	14 *	NA	NA	14 **	0
Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks . . .	25 *	NA	25	NA	NA
Lisbon Agreement for the Protection of Appellations of Origin and their International Registration . . . . .	9	9	NA	NA	NA

\* Or one more, if East Germany is also considered a party. States disagree on this question.

\*\* Additional Act of Monaco (1961): 7.

NA: Not applicable.

## Member States of the Unions for the Protection of Industrial Property as on January 1, 1970

### 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),  
Lisbon (1958), and at Stockholm (1967) \*

Member States **	Class chosen (Art. 16(4))	Date on which adhesion to the Union took effect	Latest Act by which the State is bound and date on which the ratification of or accession to such Act became effective
Algeria . . . . .	IV	March 1, 1966 . . . . .	Lisbon: March 1, 1966
Argentina . . . . .	III	February 10, 1967 . . . . .	Lisbon: February 10, 1967
Australia <sup>1 2</sup> . . . . .	III	October 10, 1925 . . . . .	London: June 2, 1958
Austria . . . . .	IV	January 1, 1909 . . . . .	Lisbon: November 30, 1969
Belgium . . . . .	III	July 7, 1884 . . . . .	Lisbon: August 21, 1965
Brazil . . . . .	III	July 7, 1884 . . . . .	The Hague: October 26, 1929
Bulgaria . . . . .	V	June 13, 1921 . . . . .	Lisbon: March 28, 1966
Cameroon <sup>1</sup> . . . . .	VI	May 10, 1964 . . . . .	Lisbon: May 10, 1964
Canada <sup>1</sup> . . . . .	II	June 12, 1925 . . . . .	London: July 30, 1951
Central African Republic <sup>1</sup> . . . . .	VI	November 19, 1963 . . . . .	Lisbon: November 19, 1963
Ceylon <sup>1</sup> . . . . .	VI	December 29, 1952 . . . . .	London: December 29, 1952
Chad <sup>1</sup> . . . . .	VI	November 19, 1963 . . . . .	Lisbon: November 19, 1963
Congo (Brazzaville) <sup>1</sup> . . . . .	VI	September 2, 1963 . . . . .	Lisbon: September 2, 1963
Cuba †† . . . . .	VI	November 17, 1904 . . . . .	Lisbon: February 17, 1963
Cyprus . . . . .	VI	January 17, 1966 . . . . .	Lisbon: January 17, 1966
Czechoslovakia . . . . .	IV	October 5, 1919 . . . . .	Lisbon: January 4, 1962
Dahomey <sup>1</sup> . . . . .	VI	January 10, 1967 . . . . .	Lisbon: January 10, 1967
Denmark <sup>3</sup> . . . . .	IV	October 1, 1894 . . . . .	London: August 1, 1938
Dominican Republic . . . . .	VI	July 11, 1890 . . . . .	The Hague: April 6, 1951
Finland . . . . .	IV	September 20, 1921 . . . . .	London: May 30, 1953
France <sup>4</sup> . . . . .	I	July 7, 1884 . . . . .	Lisbon: January 4, 1962
Gabon <sup>1</sup> . . . . .	VI	February 29, 1964 . . . . .	Lisbon: February 29, 1964
Germany (Federal Republic) . . . . .	I	May 1, 1903 . . . . .	Lisbon: January 4, 1962
Greece . . . . .	V	October 2, 1924 . . . . .	London: November 27, 1953
Haiti . . . . .	VI	July 1, 1958 . . . . .	Lisbon: January 4, 1962
Holy See . . . . .	VI	September 29, 1960 . . . . .	London: September 29, 1960
Hungary † . . . . .	V	January 1, 1909 . . . . .	Lisbon: March 23, 1967
Iceland . . . . .	VI	May 5, 1962 . . . . .	London: May 5, 1962
Indonesia <sup>1</sup> . . . . .	IV	December 24, 1950 . . . . .	London: December 24, 1950
Iran . . . . .	IV	December 16, 1959 . . . . .	Lisbon: January 4, 1962
Ireland † . . . . .	IV	December 4, 1925 . . . . .	Lisbon: June 9, 1967
Israel <sup>1</sup> † . . . . .	V	March 24, 1950 . . . . .	Lisbon: July 18, 1966
Italy . . . . .	I	July 7, 1884 . . . . .	Lisbon: December 29, 1968
Ivory Coast <sup>1</sup> . . . . .	VI	October 23, 1963 . . . . .	Lisbon: October 23, 1963
Japan . . . . .	II	July 15, 1899 . . . . .	Lisbon: August 21, 1965
Kenya . . . . .	VI	June 14, 1965 . . . . .	Lisbon: June 14, 1965
Lebanon . . . . .	VI	September 1, 1924 . . . . .	London: September 30, 1947
Liechtenstein . . . . .	VI	July 14, 1933 . . . . .	London: January 28, 1951
Luxembourg . . . . .	VI	June 30, 1922 . . . . .	London: December 30, 1945
Madagascar <sup>1</sup> . . . . .	VI	December 21, 1963 . . . . .	Lisbon: December 21, 1963
Malawi <sup>5</sup> . . . . .	VI	July 6, 1964 . . . . .	Lisbon: July 6, 1964
Malta . . . . .	VI	October 20, 1967 . . . . .	Lisbon: October 20, 1967
Mauritania <sup>1</sup> . . . . .	VI	April 11, 1965 . . . . .	Lisbon: April 11, 1965
Mexico . . . . .	III	September 7, 1903 . . . . .	Lisbon: May 10, 1964
Monaco . . . . .	VI	April 29, 1956 . . . . .	Lisbon: January 4, 1962
Morocco . . . . .	VI	July 30, 1917 . . . . .	Lisbon: May 15, 1967
Netherlands <sup>6</sup> . . . . .	III	July 7, 1884 . . . . .	London: August 5, 1948

Member States **	Class chosen (Art. 16(4))	Date on which adhesion to the Union took effect	Latest Act by which the State is bound and date on which the ratification of or accession to such Act became effective
<i>New Zealand</i> <sup>1</sup> . . . . .	V	July 29, 1931 . . . . .	London: July 14, 1946
<b>Niger</b> <sup>1</sup> . . . . .	VI	July 5, 1964 . . . . .	Lisbon: July 5, 1964
<b>Nigeria</b> . . . . .	VI	September 2, 1963 . . . . .	Lisbon: September 2, 1963
<b>Norway</b> . . . . .	IV	July 1, 1885 . . . . .	Lisbon: May 10, 1964
<b>Philippines</b> . . . . .	VI	September 27, 1965 . . . . .	Lisbon: September 27, 1965
<b>Poland</b> . . . . .	III	November 10, 1919 . . . . .	The Hague: November 22, 1931
<i>Portugal</i> <sup>7</sup> . . . . .	IV	July 7, 1884 . . . . .	London: November 7, 1949
<b>Rhodesia</b> <sup>5</sup> . . . . .	VI	April 6, 1965 . . . . .	Lisbon: April 6, 1965
<b>Rumania</b> † . . . . .	IV	October 6, 1920 . . . . .	Lisbon: November 19, 1963
<i>San Marino</i> . . . . .	VI	March 4, 1960 . . . . .	London: March 4, 1960
<b>Senegal</b> <sup>1</sup> † . . . . .	VI	December 21, 1963 . . . . .	Lisbon: December 21, 1963
<b>South Africa</b> . . . . .	IV	December 1, 1947 . . . . .	Lisbon: April 17, 1965
<i>Spain</i> . . . . .	IV	July 7, 1884 . . . . .	London: March 2, 1956
<i>Sweden</i> † . . . . .	III	July 1, 1885 . . . . .	London: July 1, 1953
<b>Switzerland</b> . . . . .	III	July 7, 1884 . . . . .	Lisbon: February 17, 1963
<i>Syrian Arab Republic</i> . . . . .	VI	September 1, 1924 . . . . .	London: September 30, 1947
<b>Tanzania</b> <sup>1</sup> . . . . .	VI	June 16, 1963 . . . . .	Lisbon: June 16, 1963
<b>Togo</b> <sup>1</sup> . . . . .	VI	September 10, 1967 . . . . .	Lisbon: September 10, 1967
<b>Trinidad and Tobago</b> <sup>1</sup> . . . . .	VI	August 1, 1964 . . . . .	Lisbon: August 1, 1964
<i>Tunisia</i> . . . . .	VI	July 7, 1884 . . . . .	London: October 4, 1942
<b>Turkey</b> . . . . .	IV	October 10, 1925 . . . . .	London: June 27, 1957
<b>Uganda</b> . . . . .	III	June 14, 1965 . . . . .	Lisbon: June 14, 1965
<b>Union of Soviet Socialist Republics</b> † . . . . .	I	July 1, 1965 . . . . .	Lisbon: July 1, 1965
<i>United Arab Republic</i> . . . . .	IV	July 1, 1951 . . . . .	London: July 1, 1951
<b>United Kingdom of Great Britain and Northern Ireland</b> <sup>8</sup> † . . . . .	I	July 7, 1884 . . . . .	Lisbon: January 4, 1962
<b>United States of America</b> <sup>9</sup> . . . . .	I	May 30, 1887 . . . . .	Lisbon: January 4, 1962
<b>Upper Volta</b> <sup>1</sup> . . . . .	VI	November 19, 1963 . . . . .	Lisbon: November 19, 1963
<b>Uruguay</b> . . . . .	VI	March 18, 1967 . . . . .	Lisbon: March 18, 1967
<i>Viet-Nam</i> <sup>1</sup> . . . . .	VI	December 8, 1956 . . . . .	London: December 8, 1956
<b>Yugoslavia</b> . . . . .	IV	February 26, 1921 . . . . .	Lisbon: April 11, 1965
<b>Zambia</b> <sup>5</sup> . . . . .	VI	April 6, 1965 . . . . .	Lisbon: April 6, 1965
(Total: 78 States) <sup>10</sup>			

\* The Stockholm Act (1967) is not yet in force.

\*\* Explanation of type:

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

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

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

† This State has ratified the Stockholm Act (1967).

†† This State has notified its intention to avail itself of Article 30(2) of the Stockholm Act (1967).

<sup>1</sup> The Convention was applied, by virtue of Article 16<sup>bis</sup> thereof, in 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). The Convention was applied by France, under Article 16<sup>bis</sup>, to the following States from various dates: Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Madagascar, Mauritania, Niger, Senegal, Togo, Upper Volta, Viet-Nam.

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

<sup>3</sup> Including the Faroe Islands.

<sup>4</sup> Including the Departments of Guadeloupe, Guiana, Martinique, Reunion and all Overseas Territories.

<sup>5</sup> The Convention had applied to Malawi, Rhodesia and Zambia (as component parts of the former Federation of Rhodesia and Nyasaland) since April 1, 1958.

<sup>6</sup> The Convention has been applied to Curaçao and Surinam since July 1, 1890 (the London Act has applied since August 5, 1948).

<sup>7</sup> Including the Azores and Madeira.

<sup>8</sup> The Lisbon Act is applicable to the Bahamas as from October 20, 1967.

<sup>9</sup> The Lisbon Act has been applied to Puerto Rico, Virgin Islands, Samoa and Guam since July 7, 1963.

<sup>10</sup> Or 79 if East Germany is also considered a party (see *Industrial Property*, 1964, p. 254). States disagree on this question.

# Special Agreement for the Repression of False or Deceptive Indications of Source on Goods (Madrid Agreement)

founded by the Madrid Agreement (1891), revised at Washington (1911), The Hague (1925), London (1934), Lisbon (1958), and supplemented by the Additional Act of Stockholm (1967) \*

Member States **	Original date on which the State became bound by the Agreement	Latest Act by which the State is bound and date on which the ratification of or accession to such Act 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 (Federal Republic) . . . . .	June 12, 1925 . . . . .	Lisbon: June 1, 1963
Hungary † . . . . .	June 5, 1934 . . . . .	Lisbon: March 23, 1967
Ireland † . . . . .	December 4, 1925 . . . . .	Lisbon: June 9, 1967
Israel <sup>1</sup> † . . . . .	March 24, 1950 . . . . .	Lisbon: July 2, 1967
Italy . . . . .	March 5, 1951 . . . . .	Lisbon: December 29, 1968
Japan . . . . .	July 8, 1953 . . . . .	Lisbon: August 21, 1965
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 . . . . .	Lisbon: May 15, 1967
New Zealand <sup>1</sup> . . . . .	July 29, 1931 . . . . .	London: May 17, 1947
Poland . . . . .	December 10, 1928 . . . . .	The Hague: December 10, 1928
Portugal <sup>3</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) <sup>4</sup>		

\* The Additional Act of Stockholm (1967) is not yet in force.

\*\* Explanation of type:

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

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

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

† This State has ratified the Stockholm Act (1967).

<sup>1</sup> The Agreement was applied, by virtue of Article 5 thereof, in 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), and Viet-Nam.

<sup>2</sup> Including the Departments of Guadeloupe, Guiana, Martinique, Reunion and all Overseas Territories.

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

<sup>4</sup> Or 30 if East Germany is also considered a party (see *Industrial Property*, 1964, p. 254). States disagree on this question.

### Special Union for the International Registration of Marks (Madrid Union)

founded by the Madrid Agreement (1891), revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Nice (1957), and at Stockholm (1967) \*

Member States **	Date on which adhesion to the Union took effect	Latest Act by which the State is bound and date on which the ratification of or accession to such Act became effective
<i>Austria</i> <sup>1</sup> . . . . .	<i>January 1, 1909</i> . . . . .	<i>London: August 19, 1947</i>
<b>Belgium</b> . . . . .	<b>July 15, 1892</b> . . . . .	<b>Nice: December 15, 1966</b> <sup>2</sup>
<b>Czechoslovakia</b> . . . . .	<b>October 5, 1919</b> . . . . .	<b>Nice: December 15, 1966</b>
<b>France</b> <sup>3</sup> . . . . .	<b>July 15, 1892</b> . . . . .	<b>Nice: December 15, 1966</b>
<b>Germany (Federal Republic)</b> . . . . .	<b>December 1, 1922</b> . . . . .	<b>Nice: December 15, 1966</b>
<b>Hungary</b> † . . . . .	<b>January 1, 1909</b> . . . . .	<b>Nice: March 23, 1967</b>
<b>Italy</b> . . . . .	<b>October 15, 1894</b> . . . . .	<b>Nice: December 15, 1966</b> <sup>2</sup>
<b>Liechtenstein</b> . . . . .	<b>July 14, 1933</b> . . . . .	<b>Nice: May 29, 1967</b>
<b>Luxembourg</b> . . . . .	<b>September 1, 1924</b> . . . . .	<b>Nice: December 15, 1966</b> <sup>2</sup>
<b>Monaco</b> <sup>4</sup> . . . . .	<b>April 29, 1956</b> . . . . .	<b>Nice: December 15, 1966</b> <sup>2</sup>
<i>Morocco</i> . . . . .	<i>July 30, 1917</i> . . . . .	<i>London: January 21, 1941</i>
<b>Netherlands</b> . . . . .	<b>March 1, 1893</b> . . . . .	<b>Nice: December 15, 1966</b> <sup>2</sup>
<b>Portugal</b> <sup>5</sup> . . . . .	<b>October 31, 1893</b> . . . . .	<b>Nice: December 15, 1966</b> <sup>2</sup>
<b>Rumania</b> † . . . . .	<b>October 6, 1920</b> . . . . .	<b>Nice: December 15, 1966</b> <sup>2</sup>
<b>San Marino</b> . . . . .	<b>September 25, 1960</b> . . . . .	<b>Nice: December 15, 1966</b> <sup>2</sup>
<b>Spain</b> <sup>6</sup> . . . . .	<b>July 15, 1892</b> . . . . .	<b>Nice: December 15, 1966</b> <sup>2</sup>
<b>Switzerland</b> . . . . .	<b>July 15, 1892</b> . . . . .	<b>Nice: December 15, 1966</b>
<b>Tunisia</b> . . . . .	<b>July 15, 1892</b> . . . . .	<b>Nice: August 28, 1967</b> <sup>2</sup>
<b>United Arab Republic</b> <sup>4</sup> . . . . .	<b>July 1, 1952</b> . . . . .	<b>Nice: December 15, 1966</b> <sup>2</sup>
<i>Viet-Nam</i> <sup>7</sup> . . . . .	<i>December 8, 1956</i> . . . . .	<i>London: December 8, 1956</i>
<b>Yugoslavia</b> . . . . .	<b>February 26, 1921</b> . . . . .	<b>Nice: December 15, 1966</b>
(Total: 21 States) <sup>8 9</sup>		

\* The Stockholm Act (1967) is not yet in force.

\*\* Explanation of type:

**Heavy type:** States bound by the Nice Act (1957).

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

† This State has ratified the Stockholm Act (1967).

<sup>1</sup> On November 21, 1969, Austria deposited its instrument of ratification of the Nice Act of the Madrid Agreement Concerning the International Registration of Trademarks. This ratification will take effect on February 8, 1970. Austria declared, under Article 3<sup>bis</sup> of the Nice Act, that the protection resulting from the international registration would not extend to its territory unless the proprietor of the mark expressly requested it.

<sup>2</sup> The following States have declared, under Article 3<sup>bis</sup> of the Nice Act, that the protection resulting from international registration shall not extend to them unless the proprietor of the mark expressly requests it: Belgium (December 15, 1966), Italy (June 14, 1967), Luxembourg (December 15, 1966), Monaco (December 15, 1966), Netherlands (December 15, 1966), Portugal (December 15, 1966), Rumania (June 10, 1967), San Marino (August 14, 1969), Spain (December 15, 1966), Tunisia (August 28, 1967), United Arab Republic (March 1, 1967). The dates in parentheses indicate the effective date of the declaration in respect of each country.

<sup>3</sup> Including the Departments of Guadeloupe, Guiana, Martinique, Reunion and all Overseas Territories.

<sup>4</sup> Monaco and the United Arab Republic only recognize trademarks registered under the Agreement after the date of their adhesion to the Union.

<sup>5</sup> Including the Azores and Madeira.

<sup>6</sup> Spain declared that it no longer wished to be bound by the texts earlier than the Nice Act. This declaration became effective on December 15, 1966.

<sup>7</sup> This Agreement was applied, by virtue of Article 11 thereof, in the territory of Viet-Nam before its accession to full independence, as from July 15, 1892.

<sup>8</sup> Turkey withdrew from the Union with effect from September 10, 1956. International registrations in effect on that date continue to be recognized by Turkey until they expire.

<sup>9</sup> Or 22 if East Germany is also considered a party (see *Industrial Property*, 1964, p. 254). States disagree on this question. East Germany has invoked the benefits of Article 3<sup>bis</sup> of the Nice Act.

### Special Union Concerning the International Deposit of Industrial Designs (The Hague Union)

founded by The Hague Agreement (1925), revised at London (1934) and The Hague (1960)<sup>1</sup>, and supplemented by the Additional Act of Monaco (1961) and by the Complementary Act of Stockholm (1967) \*

Member States **	Date of adhesion to the Union	Date on which the State became bound by the London Act of the Agreement	Date on which the State became bound by the Additional Act of Monaco
<b>Belgium</b> . . . . .	<b>July 27, 1929</b>	<b>November 24, 1939</b>	<b>November 13, 1964</b>
<b>France</b> <sup>2</sup> . . . . .	<b>October 20, 1930</b>	<b>June 25, 1939</b>	<b>December 1, 1962</b>
<b>Germany (Federal Republic)</b> . . . . .	<b>June 1, 1928</b>	<b>June 13, 1939</b>	<b>December 1, 1962</b>
<i>Holy See</i> . . . . .	<i>September 29, 1960</i>	<i>September 29, 1960</i>	—
<i>Indonesia</i> <sup>3</sup> . . . . .	<i>December 24, 1950</i>	<i>December 24, 1950</i>	—
<b>Licchtenstein</b> . . . . .	<b>July 14, 1933</b>	<b>January 28, 1951</b>	<b>July 9, 1966</b>
<b>Monaco</b> . . . . .	<b>April 29, 1956</b>	<b>April 29, 1956</b>	<b>September 14, 1963</b>
<i>Morocco</i> . . . . .	<i>October 20, 1930</i>	<i>January 21, 1941</i>	—
<b>Netherlands</b> <sup>4</sup> . . . . .	<b>June 1, 1928</b>	<b>August 5, 1948</b>	<b>September 14, 1963</b>
<b>Spain</b> . . . . .	<b>June 1, 1928</b>	<b>March 2, 1956</b>	<b>August 31, 1969</b>
<b>Switzerland</b> . . . . .	<b>June 1, 1928</b>	<b>November 24, 1939</b>	<b>December 21, 1962</b>
<i>Tunisia</i> . . . . .	<i>October 20, 1930</i>	<i>October 4, 1942</i>	—
<i>United Arab Republic</i> . . . . .	<i>July 1, 1952</i>	<i>July 1, 1952</i>	—
<i>Viet-Nam</i> <sup>3</sup> . . . . .	<i>December 8, 1956</i>	<i>December 8, 1956</i>	—
<b>(Total: 14 States)</b> <sup>5</sup>			

\* The Complementary Act of Stockholm (1967) is not yet in force.

\*\* Explanation of type:

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

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

<sup>1</sup> The Act revised at The Hague on November 28, 1960, has been ratified by France, Liechtenstein and Switzerland. *This Act is not yet in force.*

<sup>2</sup> Including the Departments of Guadeloupe, Guiana, Martinique, Reunion and all Overseas Territories.

<sup>3</sup> The Agreement was applied, by virtue of Article 22 thereof, in the territories of Indonesia and Viet-Nam before their accession to full independence, as from June 1, 1928.

<sup>4</sup> Including Curaçao and Surinam.

<sup>5</sup> Or 15 if East Germany is also considered a party (see *La Propriété industrielle*, 1956, p. 21). States disagree on this question.

## Special Union Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Union)

founded by the Nice Agreement (1957), and revised at Stockholm (1967) \*

Member States	Date on which adhesion to the Union took effect
Australia . . . . .	April 8, 1961
Austria . . . . .	November 30, 1969
Belgium . . . . .	June 6, 1962
Czechoslovakia . . . . .	April 8, 1961
Denmark . . . . .	November 30, 1961
France <sup>1</sup> . . . . .	April 8, 1961
Germany (Federal Republic) . . . . .	January 29, 1962
Hungary † . . . . .	March 23, 1967
Ireland † . . . . .	December 12, 1966
Israel † . . . . .	April 8, 1961
Italy . . . . .	April 8, 1961
Lebanon . . . . .	April 8, 1961
Liechtenstein . . . . .	May 29, 1967
Monaco . . . . .	April 8, 1961
Morocco . . . . .	October 1, 1966
Netherlands . . . . .	August 20, 1962
Norway . . . . .	July 28, 1961
Poland . . . . .	April 8, 1961
Portugal . . . . .	April 8, 1961
Spain . . . . .	April 8, 1961
Sweden † . . . . .	July 28, 1961
Switzerland . . . . .	August 20, 1962
Tunisia . . . . .	May 29, 1967
United Kingdom of Great Britain and Northern Ireland † .	April 15, 1963
Yugoslavia . . . . .	August 30, 1966
(Total: 25 States) <sup>2</sup>	

\* The Stockholm Act (1967) is not yet in force.

† This State has ratified the Stockholm Act (1967).

<sup>1</sup> Including the Departments of Guadeloupe, Guiana, Martinique, Reunion and all Overseas Territories.

<sup>2</sup> Or 26 if East Germany is also considered a party (see *Industrial Property*, 1964, p. 254). States disagree on this question.

## Special Union for the Protection of Appellations of Origin and their International Registration (Lisbon Union)

founded by the Lisbon Agreement (1958), and revised at Stockholm (1967) \*

Member States	Date on which ratification or adhesion to the Union took effect
Cuba . . . . .	September 25, 1966
Czechoslovakia . . . . .	September 25, 1966
France <sup>1</sup> . . . . .	September 25, 1966
Haiti . . . . .	September 25, 1966
Hungary † . . . . .	March 23, 1967
Israel † . . . . .	September 25, 1966
Italy . . . . .	December 29, 1968
Mexico . . . . .	September 25, 1966
Portugal . . . . .	September 25, 1966
(Total: 9 States)	

\* The Stockholm Act (1967) is not yet in force.

† This State has ratified the Stockholm Act (1967).

<sup>1</sup> Including the Departments of Guadeloupe, Guiana, Martinique, Reunion and all Overseas Territories.



## Committee of Experts on the Establishment of Priority Fees

(Geneva, September 30 and October 1, 1969)

### Note <sup>1</sup>

The Intellectual Property Conference of Stockholm, 1967, adopted a recommendation<sup>2</sup> according to which BIRPI was to study, in cooperation with committees of experts, the desirability and the feasibility of creating new sources of revenue for the Union through the collection of a modest fee for each application filed with a national Administration whenever, in such application, the right of priority provided for in the Convention of the Union is claimed.

BIRPI undertook this study and presented the results to a Committee of Experts which met on September 30 and October 1, 1969, at the headquarters of BIRPI in Geneva. Of the eighteen countries invited to take part in the work of the Committee, fifteen were represented. One country was invited to participate in the work of the Committee in the capacity of an observer. Four international non-governmental organizations were represented by observers. The list of participants follows this Note.

The Committee considered the recommendation of the Intellectual Property Conference of Stockholm in the light of the study made by BIRPI. Opinions on the desirability and feasibility of introducing priority fees were divided, some countries being in favor of such fees, a number of others being strongly opposed to them, and a third group not yet having taken a position on the matter. The supporters of priority fees pointed to possible financial advantages for the budget of the Paris Union and saw no difficulties as regards the establishment of such fees, while the opponents maintained that the introduction of such fees would be contradictory to the Paris Convention for the Protection of Industrial Property and would lead to administrative difficulties.

Finally, the Committee unanimously adopted a recommendation according to which BIRPI should:

- (a) send a copy of the report on the meeting of the Committee of Experts on the Establishment of Priority Fees to all member countries of the Paris Union;
- (b) submit to the Conference of Representatives of the Paris Union, in 1970, the question whether, in the light of the report of the Committee, the studies under way on the subject of introducing priority fees should be continued;
- (c) draw the attention of that Conference, in the event that it should consider that such studies ought not to be continued, to the problem of financing the Paris Union and in particular the difficulties certain countries may have in meeting the cost of the increased contributions they may have to pay to BIRPI.

<sup>1</sup> This Note has been prepared by BIRPI on the basis of the official documents of the meeting.

<sup>2</sup> See *Industrial Property*, 1968, p. 21.

## List of Participants

### I. States

#### *Algeria*

Mr. S. Bouzidi, Head of Division, National Industrial Property Office, Algiers

#### *Argentina*

Mr. L. Lanrelli, Secretary of Embassy, Permanent Delegation of the Argentine Republic, Geneva

#### *Austria*

Mr. T. Lorenz, Counsellor, Patent Office, Vienna

#### *France*

Mr. R. Labry, Counsellor of Embassy, Directorate of Economic and Financial Affairs, Ministry of Foreign Affairs, Paris

#### *Germany (Federal Republic)*

Mr. U. C. Hallmann, Regierungsrat, German Patent Office, Munich  
(Representative of the Ministry of Justice, Bonn)

#### *Iran*

Mr. E. Djahanuema, Second Secretary, Permanent Delegation of Iran, Geneva

#### *Italy*

Mr. A. Pelizza, Inspector General, Ministry of Industry, Rome  
Miss M. Vitali, V. Inspector, Ministry of Foreign Affairs, Rome  
Mr. R. Messerotti-Benvenuti, Lawyer, Technical Counsellor, Montecatini-Edison S.p.A., Milan

#### *Japan*

Mr. K. Takano, Third Secretary, Delegation of Japan, Geneva

#### *Netherlands*

Mr. E. van Weel, Vice-President, Patent Office, The Hague

#### *Spain*

Mr. A. Fernandez Mazarambroz, Director, Industrial Property Registration Office, Madrid  
Mr. D. A. Porras del Corral, Técnico Fiscal del Estado, Ministerio español de Hacienda, Madrid

#### *Sweden*

Mr. C. A. Ugglä, Legal Advisor to the Board of Appeal, National Patent and Registration Office, Stockholm

#### *Switzerland*

Mr. W. Stamm, Director, Federal Bureau of Intellectual Property, Berne  
Mr. R. Kaempf, Head of Section, Federal Bureau of Intellectual Property, Berne

#### *Union of Soviet Socialist Republics*

Mr. Y. Gyrdymov, Head of International Patent Cooperation Department, Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, Moscow

*United States of America*

Mr. H. J. Winter, Assistant Chief, Business Practices Division, Commercial Affairs and Business Activities, Bureau of Economic Affairs, Department of State, Washington, D. C.

Mr. J. W. Brennau, Acting Director, Office of International Patent and Trademark Affairs, Patent Office, Department of Commerce, Washington, D. C.

*Yugoslavia*

Mr. S. Pretnar, Director, Patent Office, Belgrade

Mr. N. Janković, Legal Advisor, Patent Office, Belgrade

**II. Observer***Hungary*

Mr. E. Tasnádi, President, National Office of Inventions, Budapest

Mr. J. Bobrovsky, Chief Advisor, National Office of Inventions, Budapest

**III. International Non-Governmental Organizations***International Association for the Protection of Industrial Property (IAPIP)*

Mr. A. Briner, Assistant to the Secretary General, IAPIP, Zurich

*International Chamber of Commerce (ICC)*

Mr. D. A. Was, Group Industrial Property Advisor, Royal Dutch Shell Group, The Hague

*International Federation of Inventors' Associations (IFIA)*

Mr. H. Romanus, Director, Svenska Uppfinnarkontoret, Stockholm

Mr. K. E. Sundström, Senior Research Scientist, Beckman International Technical Centre, Geneva

*International Federation of Patent Agents (FICPI)*

Mr. K. Høst-Madsen, President of FICPI, Copenhagen

**IV. Officers of the Meeting**

Chairman: Mr. H. J. Winter (United States of America)

Vice-Chairmen: Mr. A. Fernandez Mazarambroz (Spain)

Mr. S. Pretnar (Yugoslavia)

Secretary: Mr. J. Voyame (BIRPI)

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

Mr. J. Voyame, Second Deputy Director

Mr. B. Armstrong, Counsellor, Head of the Administrative Division

Mr. K. Pfanner, Counsellor, Head of the Industrial Property Division

Mr. L. Baeumer, Legal Assistant, Industrial Property Division

**BIRPI South American Seminar  
on the Paris Convention**

(Buenos Aires, November 11 to 13, 1969)

**Note**

With the agreement and cooperation of the Government of Argentina, BIRPI organized, under the title *Seminario Sudamericano del BIRPI sobre el Convenio de París para la Protección de la Propiedad Industrial* (BIRPI South American Seminar on the Paris Convention for the Protection of Industrial Property), a meeting in Buenos Aires from November 11 to 13, 1969.

All the ten countries invited were represented: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, Venezuela.

The Organization of American States, the International Patent Institute, and the Interamerican Association of Industrial Property (ASIPI) were represented. The list of the 22 accredited participants appears at the end of this Note.

BIRPI was represented by its Director, Professor G. H. C. Bodenhausen, and its First Deputy Director, Dr. Arpad Bogsch.

The representatives of States present unanimously elected Mr. G. R. Seeber, Head of the Delegation of Argentina, as Chairman, and Mrs. Egilda Crespo Vásquez (Venezuela) as Vice-Chairman.

The meetings were held in a conference room of the Ministry of Economic Affairs and Domestic Trade of Argentina (*Secretaría de Estado de Industria y Comercio Interior*).

The Seminar dealt with the entire Paris Convention. It used, as a reference work, the *Guide to the Application of the Paris Convention for the Protection of Industrial Property* by Professor G. H. C. Bodenhausen. This Guide has been published so far in English, French and Spanish.

The principle of national treatment, the institution of the right of priority, and the minimum provisions of protection provided for in the Paris Convention were discussed both generally and — where applicable — in detail in relation to patents, marks, industrial designs, trade names, appellations of origin, and unfair competition. The many questions freely asked by participants were replied to either by the representatives of BIRPI or by the other participants. A great number of questions dealt with the compatibility of national industrial property laws of countries not yet members of the Paris Union with the Paris Convention. The special interests of South American countries as developing countries were frequently mentioned. It became evident to many that several industrial property laws in South America were inadequate as they did not take full account of the contemporary economic and social needs of the South American countries. In this respect, frequent references were made to the Model Laws of BIRPI, particularly to their provisions on compulsory licenses and the State control of contractual licenses.

In connection with the difficulties of modernizing the administration of industrial property laws by the industrial

property offices, references were made to BIRPI's legal-technical assistance in the form of fellowships and consultants' missions.

In answer to a question raised by the representative of Brazil, namely, whether BIRPI would be prepared to study proposals for amendment of the Paris Convention, to be made possibly by South American States, in order to facilitate the transfer of technology from developed to developing countries, the Director of BIRPI replied in the affirmative. He pointed out, however, that in his view, taking into account the obvious difficulties involved in such revision and the length of time necessary for it, first priority should be given to modernization of national legislation and, wherever necessary, of national administration in the field of industrial property in the countries concerned.

The meeting was extremely valuable to BIRPI because it allowed it to understand better the needs and aspirations of the South American countries in the field of industrial property. As far as the governmental authorities of those countries are concerned, it is hoped that the meeting contributed to a better understanding not only of the Paris Convention but also of the various possibilities which BIRPI can offer them for facilitating the modernization of their industrial property laws and regulations and rendering more efficient the administration of such laws and regulations by the industrial property offices of their countries.

The participants of the Seminar were received by high officials of the Ministry of External Affairs and the Ministry of Economy and Domestic Trade. On both occasions, the Director of BIRPI expressed his Organization's deep appreciation of the Argentine Government's cooperation in the organization of the Seminar.

The participants also enjoyed the generous hospitality of the Interamerican Association of Industrial Property (ASIPI), whose Chairman, Professor E. D. Aracama Zorraquín, took an active part in the discussions.

### List of Participants

#### I. States

##### Argentina

- Mr. Gerardo Rodolfo Seeber, Engineer, National Director of Industrial Property
- Dr. Carlos Alberto Villalba, Advisor, National Industrial Property Office, Office of the Secretary of State for Industry and Internal Trade
- Dr. Julio Telmo Viggiolo, Head, Patent Department, National Industrial Property Office, Office of the Secretary of State for Industry and Internal Trade
- Dr. Hugo Carlos Bonnet, Counsellor of Embassy, Ministry of Foreign Affairs and Culture
- Mr. Juan José Fernández Pratto, Advisor, Office of the Assistant Secretary for International Economy, Ministry of Economy and Labor

##### Bolivia

- Mr. Rodolfo Aramayo, Legal Advisor, Ministry of National Economy

##### Brazil

- Mr. José Ribeiro de Moura Jr., Director, National Department of Industrial Property, Ministry of Industry and Trade

##### Chile

- Mr. Santiago Z. Larraguibel, Head, Industrial Property Department, Ministry of Economy
- Mr. Carlos Negri, Counsellor, Embassy of Chile in Argentina

##### Colombia

- Mr. Edgar Villamizar Marulanda, National Department of Planning

##### Ecuador

- Mr. Jorge Burbano Bolanos, Head, Patents and Trademarks, Ministry of Trade and Industry

##### Paraguay

- Mr. Cecilio Osorio, Director, Industrial Property Department, Ministry of Industry and Trade

##### Peru

- Mr. Augusto Pflucker Rospigliosi, Head, Industrial Property Division, Ministry of Industry and Commerce

##### Uruguay

- Mrs. Nora d'Alessandro, Legal Advisor, Industrial Property Office, Ministry of Industry and Labor

##### Venezuela

- Mrs. Egilda Crespo Vásquez, Industrial Property Registrar, Ministerio de Fomento

### II. Intergovernmental Organizations

#### Organization of American States (OAS)

- Mr. José M. Cosentino, Assistant Director, Office of the OAS in Argentina

#### International Patent Institute (IIB)

- Mr. Léon Feyereisen, Technical Deputy Director

### III. Non-Governmental Organizations

#### Interamerican Industrial Property Organization (ASIPI)

- Mr. Ernesto D. Aracama-Zorraquín, President
- Mr. José Barreda Moller, Honorary President

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

- Professor G. H. C. Bodenhausen, Director
- Dr. Arpad Bogsch, First Deputy Director

### V. Liaison Officer with the Argentine Government

- Mr. Luis María Laurelli, Secretary of Embassy

# LEGISLATION

## ARGENTINA

### Industrial Property Legislation

*Second Part (Marks) \**

#### I

### Law on Manufacturing, Trade and Agricultural Marks

(No. 3,975 of November 23, 1900)

The Senate and Chamber of Deputies of the Argentine Nation, being assembled in Congress etc., hereby enact with force of law as follows:

#### PART I

#### Manufacturing, Trade and Agricultural Marks

##### CHAPTER I

#### *The Right to Ownership of Marks*

##### Article 1

Appellations of things or names of persons in a particular form, emblems, monograms, engravings or impressions, seals, vignettes and reliefs, borders, fanciful words or names, letters and numbers with a special design or forming a combination, the containers or wrappers of objects, and any other sign whereby it is desired to distinguish the articles manufactured by a factory, the goods of a trade, or the products of the soil and of agricultural industries may be used as manufacturing, trade or agricultural marks.

Marks may also, subject to the conditions and for the purposes of this Law, be adopted by persons engaged in the mining industry.

##### Article 2

The mark may be placed on the containers or wrappers or on the actual goods it is desired to distinguish.

##### Article 3

The following shall not be deemed manufacturing, trade or agricultural marks:

- (1) the letters, words, names or distinguishing signs which are, or may be, used by the Nation or the provinces;
- (2) the form given to products by the manufacturer;
- (3) the color of products;
- (4) terms or phrases which have passed into general use and signs not having novel or special characteristics;
- (5) the expressions usually employed to indicate the nature of the products or the class to which they belong;
- (6) drawings and expressions contrary to morality.

\* See also the Regulation Governing Conditions for Applications for Transfer of Marks (No. 30/66 of August 22, 1966), *Industrial Property*, 1969, p. 342.

##### Article 4

The names or portraits of persons may not be used as marks without the consent of the persons, or of their heirs to the fourth degree inclusive.

##### Article 5

The names of places in private ownership may be used as marks only by the owners thereof, unless the said names belong to the category of those referred to in paragraph (4) of Article 3, and suitable specifications for avoiding confusion are adopted. Subject to these conditions, the names of places or towns may be employed as marks.

##### Article 6

A manufacturer, trader or agriculturist who has fulfilled the requirements of the law shall enjoy exclusive ownership of the mark as well as the right to oppose the use of any other which might directly or indirectly give rise to confusion between the products.

##### Article 7

Use of the mark shall be optional.

Nevertheless it may be made compulsory when the necessities of the public good so require.

##### Article 8

Exclusive ownership of the mark shall be acquired only in respect of the goods for which it was requested and which shall be specified in accordance with the provisions of paragraph (2) of Article 17.

##### Article 9

Ownership of a mark shall pass to heirs and may be assigned by contract or by legacy.

##### Article 10

The transfer or sale of an establishment shall include that of the mark, unless there be a stipulation to the contrary, and the transferee shall be entitled to use the said mark even if it be a name, in the same manner as the transferor did, without any restrictions other than those expressly imposed by the contract of sale or transfer.

##### Article 11

The transfer of a mark must be recorded in the Office in which it was registered, in order that the right to use it may be acquired.

##### Article 12

Only such marks in respect of which the Office has issued the corresponding certificate shall be considered in use for the purposes of the property right granted by this Law.

##### Article 13

The term of protection of rights to the exclusive use of the mark shall be ten years only, which may be indefinitely extended for other like periods, provided that the necessary formalities are complied with in all cases, and that the fees hereinafter fixed are paid each time.

## Article 14

The right of ownership of a mark shall expire:

- (1) at the request of the interested party;
- (2) when the said party has allowed the term of ten years to lapse without effecting its renewal;
- (3) when, if a question is raised as to the validity of the mark, the decision was one declaring that it could not have been granted, either because it belonged to another person or for any other of the reasons enumerated in this Law.

## Article 15

When the expiration of a mark is brought about by any of the causes mentioned in paragraphs (1) and (3) of the preceding Article, the fact shall be published in the manner set forth in Article 37.

## CHAPTER II

*Formalities for Acquiring Ownership of Marks*

## Article 16

Any person wishing to obtain ownership of a manufacturing, trade or agricultural mark must make application therefor to the Patent Office.

## Article 17

The application for obtaining a mark must be accompanied by:

- (1) six copies of the mark which it is desired to use;
- (2) a description of the mark, in duplicate, if it consists of figures or emblems, with an indication of the class of goods for which it is intended, and whether it is to be applied to products of a factory, of the soil, or to the articles of a trade;
- (3) a receipt in which it is recorded that the legal fee prescribed in Article 38 has been deposited in the General Treasury;
- (4) a power of attorney in due form if the interested party does not appear in person;
- (5) the corresponding authorization in cases falling within the provisions of Article 4.

## Article 18

If the imprinting of the mark is a secret and the interested parties wish to keep it as such, they shall state this in the application to which Article 17 refers, describing the process on a closed and sealed sheet which shall be opened only in the case of litigation.

## Article 19

Applications filed shall be recorded by means of a brief entry which shall summarize its contents and the date and hour of the filing thereof in a book, the leaves of which shall be numbered and indorsed by the respective Ministry. The applicant shall furthermore state whether he waives judicial action in case of opposition to or refusal of the Office to grant the mark.

The entry shall be signed by the head of the Office, the secretary, and the applicant, to whom a receipt shall be given of the documents filed, in which the number of the entry shall, in addition, appear.

If an authenticated copy of the entry is requested, it shall be given without further charge than that of the stamped paper.

## Article 20

When the entry to which the preceding Article refers has been made, the official publication of an extract from the application, the filing date, the name of the interested party, and of a reproduction of the mark shall be effected at the expense of the interested parties.

The publication shall be made for five consecutive days in the Capital of the Republic and in the province or territory where the applicant is domiciled.

## Article 21

If, upon the expiration of thirty days from the last publication prescribed by the preceding Article, nobody has appeared in opposition to the grant, and if no identical or similar marks falling under the provisions of Articles 6 and 8 have previously been granted, the mark applied for shall be registered, and the certificates of ownership therein shall be issued.

## Article 22

The right of priority in the ownership of a mark shall be granted according to the day and hour when the application was filed in the Office.

## Article 23

The certificate of the mark which the Office shall issue shall consist of a certified copy of the decree granting it, accompanied by the duplicate of the description and of the drawings; it shall be issued in the name of the Nation with a reference to the authorization of the Government, and shall bear the signatures of the head of the Office and the secretary, and the Office seal.

## Article 24

In the provinces and the national territories, the filing prescribed by Article 17 of the Law shall be made in such post offices as the respective regulations specify.

## Article 25

The head of the Office shall send to postmasters a book, in which the entries of any applications for obtaining a registration certificate shall be made, always provided that the interested parties file them in the manner and subject to the conditions which the Law prescribes.

## Article 26

The books sent to the post offices, as well as that of the Office, shall have their pages numbered and shall be indorsed by the respective Ministry.

## Article 27

Immediately upon receipt of the application, postmasters shall send, to the head of the Office, an authenticated copy of the entry relating thereto, together with the descriptions, drawings and evidence that the sum required by law has been paid, failing which the copy shall not be sent.

## Article 28

The head of the Office, whenever he receives an application sent by a postmaster, shall make an entry in the corresponding book in which the record sent by the postmaster shall be copied, and he shall proceed in the manner prescribed in the preceding Articles.

Interested parties may deposit the printing block required by Article 37 at the respective post offices.

## Article 29

Opposition to the grant of a mark shall be made in the manner prescribed by Articles 19 or 25 as the case may be.

## Article 30

The head of the Office, if all the interested parties have waived judicial action, shall render his decision within a period of fifteen days.

## Article 31

In the cases referred to in the preceding Article, recourse may be had from the decision of the Patent Office, refusing or granting ownership of a mark, to the respective Ministry within the ten days following the decision. The Ministry, after hearing the Treasury Attorney, shall confirm or revoke the refusal or grant.

## Article 32

If the interested parties have not waived judicial action, the Office shall send a certified copy of the records of the application and opposition to the appropriate District Court.

## Article 33

Upon receipt of the certified copy to which the preceding Article refers, the Judge shall proceed to try the case in accordance with the procedure applicable in ordinary actions.

## Article 34

Apart from the cases of opposition to which the foregoing Articles refer, the interested party may take the matter to Court within the period specified by Article 31 if the decision of the Office was one of refusal to register the mark, and judicial action has not been waived.

## Article 35

In cases where the grant of a mark is not allowed, the fees paid pursuant to Article 17 shall be returned to the interested party.

## Article 36

When the decisions of the Courts have become *res judicata*, they shall be notified to the Office for any action that may arise therefrom, and the respective files shall, in due course, be sent back to the said Office.

## Article 37

The Patent Office shall keep a book in which it shall enter grants of marks in chronological order, and, every three months, the Head of the Office shall send to the Executive a statement of marks granted and of those which have been refused, giving their respective dates.

This statement shall be published with reproductions of the corresponding marks. For this purpose, interested parties shall deposit a printing block with the Patent Office.

## Article 38

For the registration and certification of a mark, whatever may be its origin, a fee of fifty pesos shall be paid.

For the registration and certification of an assignment, a fee of twenty-five pesos shall be paid.

For certified copies of certificates for which application is made subsequently, five pesos shall be paid in addition to the value of the stamped paper on which they are issued.

## Article 39

The marks for which certificates are issued, as well as the applications and descriptions filed, shall be kept on file in the Patent Office.

In cases of litigation, the drawing of the mark, together with a certified copy of the description thereof, or of any other document concerning the matter, shall be produced before the competent Judge.

## Article 40

Marks, as well as the descriptions thereof, shall be available at the Office to any person wishing to inspect them.

## Article 41

In order that foreign marks may enjoy the guarantees afforded by this Law, they must be registered in accordance with its provisions.

The proprietors thereof, or their duly authorized agents, are the only persons who may apply for registration.

## PART II

## Trade Names and Names used in Commerce and Agriculture

## Article 42

The name of a person engaged in agriculture, trade or a manufacturing industry, and that of the business, that on a shop sign or the designation of a firm or establishment dealing in certain articles or products, shall constitute a property for the purposes of this Law.

## Article 43

Any person wishing to exercise an industrial, commercial or agricultural activity, already engaged in by another person, under the same name or under the same conventional designation, shall adopt a modification so that the said name or designation is visibly distinct from the one used by the firm or establishment already in existence.

## Article 44

If the person injured by the use of a name in an industrial, commercial or agricultural activity makes no protest within the space of one year as from the time when it began to be used by another, he shall lose his right to lodge any complaint.

## Article 45

Corporations shall have the same right to the name they bear as any private person and shall be subject to the same restrictions.

## Article 46

The right to the exclusive use of a name as a property shall cease to exist with the cessation of the business establishment bearing it, or with that of the exercise of the industrial or agricultural activity.

## Article 47

The registration of the name shall not be necessary for the exercise of the rights conferred by this Law unless it forms part of the mark.

## PART III

## Penal Provisions

## Article 48

A fine of twenty to five hundred pesos, and imprisonment of one month to one year, the corporal sanction not being redeemable in money, shall be imposed on any persons who:

- (1) counterfeit a manufacturing, trade or agricultural mark;
- (2) use counterfeit marks;
- (3) fraudulently imitate a mark;
- (4) knowingly place upon their products or the articles of their trade a mark belonging to another, or fraudulently imitated;
- (5) knowingly sell, offer for sale, or consent to be a party to the sale of counterfeit marks, or who sell genuine marks without the knowledge of the proprietor thereof;
- (6) knowingly sell, offer for sale, or consent to be a party to the sale or circulation of articles bearing forged or fraudulently imitated marks;
- (7) place or cause to be placed, with intent to defraud, in the mark of a product or of an article, a false declaration or any other designation relating either to the nature, quality, quantity, number, weight or measurement, or to the place or country in which it was manufactured or shipped, and to medals, diplomas, mentions, awards or distinctions of honor awarded in exhibitions or competitions;
- (8) knowingly sell, offer for sale or consent to be a party to the sale of goods or products, with any of the false declarations mentioned in the preceding paragraph.

In cases of repetition of the offense, the said penalties shall be doubled.

## Article 49

The provisions set forth in Parts V and VI, Section 1, Book 1, of the Penal Code shall be applicable to the offenses to which the preceding Article refers, in cases not provided for by the said Article.

## Article 50

In order for an offense to have been committed, it is not necessary for the counterfeiting or imitation to include all the goods which might have been marked, application to a single object being sufficient.

## Article 51

The mere attempt shall not be punished, nor shall it produce civil liability, but it shall give rise to the destruction of

the instruments intended exclusively for counterfeiting and other offenses.

## Article 52

The proceeds of the fines to which the Law refers shall be applied for the benefit of the schools in the place where the offense was committed, if there is sufficient property left for the civil compensation.

## Article 53

Goods or products bearing a mark unlawfully used that are found in the possession of the guilty party or of his agents shall be confiscated and sold after destruction of the said mark; the proceeds thereof, after payment of the costs and compensations provided for by this Law, shall be set aside for the benefit of the public schools of the province in which the confiscation took place.

## Article 54

Marks which are counterfeit, which imitate or bear misleading statements, and likewise the instruments which have especially served for the commission of the said offenses, shall be confiscated and rendered useless.

## Article 55

Neither civil nor criminal action may be commenced after the expiration of three years from the commission or repetition of the offense or after one year calculated from the day on which the proprietor of the mark was made aware of the fact for the first time.

The acts which interrupt the limitation period are those specified by ordinary civil law.

## Article 56

In accordance with the provisions of Part II of this Law, the provisions contained in the Articles of this Part shall be applicable to persons who, without being entitled to do so, use the names of a trader or of a firm, the sign or designation of a business establishment or of a factory, or the name of an agriculturist or agricultural establishment.

## PART IV

## Procedure

## Article 57

Any proprietor of a manufacturing, trade or agricultural mark to whose knowledge it is brought that there are, in the customs, post or other fiscal department or place, labels, stoppers, containers or any other object similar to those constituting or pertaining to his mark, may appear before the appropriate authority requesting attachment of said objects, and the Judge shall grant it under the petitioner's responsibility and subject to any security he may deem necessary in case the attachment was wrongfully sought.

It shall be at the Judge's discretion to dispense with the security when the applicant is a person well known to be responsible.

## Article 58

Persons selling or offering for sale goods or products bearing a usurped, imitating or counterfeit mark shall be bound to give to the trader or manufacturer who is the proprietor thereof full information in writing as to the name and address of the person who sold or supplied the goods to them and as to the time at which distribution commenced, and, in case of resistance, may be compelled to do so by the Court under pain of being deemed accomplices of the offender.

## Article 59

Without prejudice to the provisions of the preceding Article and to the other measures which apply in criminal proceedings, proprietors of marks which have been usurped, counterfeited or imitated may apply under their responsibility to the appropriate Judges, to have an inventory and description made of the goods or products found bearing such marks in a business establishment or other place. Such inventory shall be taken by the officer of the Court or any notary public whom the interested party may name, a record being taken in which a detailed description of the goods or product shall be given, which shall be signed by the applicant, if present, the officer or the notary, as the case may be, and by the owner of the business or storehouse, or, in default of him, by two witnesses.

## Article 60

When several inventories have to be taken at the same time in different places, the Judge may for that purpose commission any notary public chosen by the applicant or chief of police and he may in all cases, if he deems necessary, order that an expert accompany the officer or the person taking his place, in order to assist in the description of the inventoried goods.

## Article 61

If, during the taking of the inventory, the explanations mentioned in Article 58 are given, these shall be entered in the report.

## Article 62

Production of the certificate of the mark shall be required before the inventory and attachment to which the preceding Articles refer may be ordered.

## Article 63

Upon the expiration of fifteen days after the making of the attachment, it shall be of no effect if the proprietor of the mark has not filed the corresponding suit.

## Article 64

In the civil proceedings commenced pursuant to Articles 6 and 43, the plaintiff may demand a security from the defendant so as not to interrupt him in the working of his business, industry or agricultural occupation (if the latter wishes to continue using the mark, name or designation) and, in default of security, he may apply for the suspension of the undertaking and the attachment of the goods resulting there-

from, he in turn giving an appropriate security if called upon to do so.

The attachment shall be made with all legal formalities.

## Article 65

The actions to which the offenses mentioned in Article 48 of this Law give rise shall be tried pursuant to the processes ordered by the Code of Criminal Procedure of the Nation.

## Article 66

The criminal prosecution may not be instituted officially, and shall only be instituted by the private persons interested; once begun, however, it may be pursued by the public prosecutor.

Up to the time when judgment is pronounced, the plaintiff may withdraw his action.

## Article 67

Persons injured by offenses against the provisions of this Law may exercise their right of action for damages against the authors of the fraud and their collaborators.

The judgment condemning him shall be published at the cost of the offender.

## PART V

## Transitional Provisions

## Article 68

Marks granted in the Republic in the four months following the promulgation of this Law shall have no effect if an application in due form is filed, before the expiration of that period, for the registration of a foreign mark which is identical or could lead to confusion with the mark so granted and which had been previously granted by a competent authority to the owner of the foreign mark and which had been used in the country prior to the promulgation of this Law.

## Article 69

The questions raised with regard to the provision of the preceding Article will be dealt with by the courts unless the parties waive their right by mutual consent. In the case of waiver, the provisions of Articles 30 and 31 shall apply.

## Article 70

Mark registrations effected in accordance with the laws in force will remain valid so long as is necessary for the expiration of the period for which they were granted.

Renewal of such registrations shall be made in accordance with the provisions of this Law, and preference shall be given to those already being proprietors of marks, provided that they apply for renewal before the expiration of the period of the registration.

## Article 71

Laws Nos. 787 of August 19, 1876, and 876 of September 13, 1877, are hereby repealed.

## Article 72

This Law is communicated to the Executive.



## II

**Decree****Establishing Implementing Regulations for Law No. 3,975**

(of December 5, 1900)

Whereas it is necessary to establish regulations for the registration of manufacturing, trade and agricultural marks, in accordance with Law No. 3,975 of November 23, last,

The Vice-President of the Republic, on behalf of the Executive,

*Hereby decrees as follows:*

**Article 1**

Applications for manufacturing, trade or agricultural marks shall be presented, for the Federal Capital, to the Patents and Marks Office, and to post offices in the capitals of provinces or territories and also of Rosario de Santa Fé.

**Article 2**

In presenting applications to a post office, applicants may, if they wish, submit them in a closed and sealed packet, together with the amount of the appropriate fee; the said packet must be forwarded directly to the Office by the first post, at the applicant's expense.

**Article 3**

No application shall be accepted unless the amount of the fee prescribed in Article 38 of the Law has first been paid to the General Treasury or to the post office concerned. Any employee who infringes this provision shall be liable to a fine of double that amount.

**Article 4**

The application, and likewise the description referred to in Article 17, paragraph (2), of the Law, must be written in Spanish, on formally stamped paper, in clear and legible characters, and at the foot of the documents any errors or corrections that they may contain shall be initialled in the applicant's own hand. For both documents, the customary form used for public documents shall be observed and the margin marked on the paper shall be left blank.

**Article 5**

At the foot of each copy of the description, a facsimile of the mark shall be affixed, if composed of or accompanied by figures or emblems. The four remaining copies shall be submitted at the same time, separately, to the Patents and Marks Office.

**Article 6**

The application must specify the applicant's name and address, the products to which the mark is to be applied, whether or not they are manufactured goods, articles of trade, or products of the soil or of any mining or agricultural activity, and must mention the accompanying documents.

**Article 7**

The printing block referred to in Article 37 of the Law must be submitted together with the application and must

be on metal or wood and be sufficiently precise for the impression of the mark to be absolutely clear. It must not be larger than eight centimeters by ten in size.

**Article 8**

If the mark submitted with a view to registration consists of an arbitrary or fanciful name having no particular figurative element or special characters, the applicant shall not be obliged to submit a printing block.

**Article 9**

The six copies of the facsimile of the mark that are attached to the application and description must be printed in one color only.

**Article 10**

Powers of attorney submitted to the Patents and Marks Office must be established in good and due form.

**Article 11**

Where an authorized representative has submitted, to the Patents and Marks Office or to the appropriate post office, the instrument empowering him to act, drawn up in good and due form, the Office, after having taken cognizance of that instrument, may not deal with the mandator unless the latter revokes the authority given. Where the applicant for a mark transfers his right to another person before the mark is granted, the Office shall deal directly with the person who produces documents proving that he is the assignee of the mark.

**Article 12**

When an application is submitted to the Office or to a post office, the entry provided for in Article 19 of the Law shall be recorded. If the interested party is not present in person to sign it and authorizes his employee or agent to do so, he must indicate in the application whether he waives judicial proceedings in the event of opposition or refusal on the part of the Office to grant him ownership of the mark.

**Article 13**

As soon as an application has been submitted, the Head of the Patents and Marks Office shall, if he considers that it fulfills all the legal requirements, proceed with the publication prescribed in Article 20.

**Article 14**

All applications shall be published in the *Official Gazette* and those filed by persons residing in the provinces shall, in addition, be published in whatever newspaper or periodical of their place of residence that they indicate or, if none is published there, in the nearest place thereto. In both cases, the applicant shall show proof that this condition has been complied with; to this end he shall submit to the Patents and Marks Office, within fifteen days thereafter, the issues corresponding to the first and last publication, and the issues shall be placed in his file.

**Article 15**

If an application is rejected and if the applicant so requests, the receipt for the sum deposited shall be returned

to him with an annotation on the reverse side, so that he may obtain reimbursement by presenting it to the Ministry of Agriculture.

#### Article 16

In order to have the assignment of a mark registered, the parties concerned must submit the following to the Patents and Marks Office or to the appropriate post office:

- (1) an application indicating the name and address of the assignor and the assignee, the number of the mark and the references relating to the document constituting the instrument of assignment;
- (2) the certificate of the mark;
- (3) the receipt showing that the fee prescribed in Article 38 has been paid;
- (4) the original document, or a certified copy thereof, establishing the assignment.

#### Article 17

In order to obtain an additional certificate of registration, a request must be submitted together with a copy of the description and of the design filed and the receipt showing that the fee prescribed in Article 38 has been paid.

Where several copies of a single certificate of a mark are requested, the request may be submitted in a single document, but the latter must be accompanied by the corresponding number of copies of the description and design.

#### Article 18

This Decree shall be communicated, published, and forwarded to the National Register.

### III

## Trademark Classification

(Decree of July 30, 1912)

With a view to avoiding the difficulties that might arise in connection with the registration of manufacturing, trade and agricultural marks, in pursuance of Law No. 3,975, and having regard to the provisions of the Decrees of December 5, 1900, and June 7, 1912,

The President of the Argentine Nation

*Hereby decrees as follows:*

#### Article 1

The Patents and Marks Department shall not process any application that does not state the name and address of the applicant and specify the articles to which the mark is to be applied, with an indication of the class to which they belong.

#### Article 2

The register of manufacturing, trade and agricultural marks shall be kept separately for each of the classes established by this Decree. Where a manufacturer or trader wishes to extend the use of a mark to more than one class, he must submit the corresponding applications and comply with the requirements set forth in Article 38 of Law No. 3,975.

#### Article 3

A certificate of ownership of the mark may be granted only in respect of each individual class for which it has been registered.

#### Article 4

Where a manufacturer or trader applies for his name to be registered as a mark, he must do so in such a way as to avoid any confusion; if the application filed does not meet this requirement, the Patents and Marks Department shall notify the person concerned in the manner prescribed, requesting him to make the appropriate amendment therein. If the person concerned makes a negative response, the Department shall make the appropriate decision according to law.

#### Article 5

When, in any label or design submitted for registration, the name of a product of any class or kind is stated, the mark shall be granted only in respect of the product indicated therein.

#### Article 6

For the purpose of implementing this Decree, the following classification is hereby established:

##### Class 1

Chemical substances employed in industry, photography, scientific research, agriculture and horticulture; anticorrosive substances.

Such as: Acids, alkalis, mineral dyes, pigments; non-medicinal mineral, vegetable and animal essences; photographic plates, paper and films; liquids and other substances for use in photography; artificial fertilizers; tanning extracts and substances; poisonous substances for the destruction of ants, rats, rodents and other harmful insects and pests, as for example carbon disulfide, potassium cyanide, and the like.

##### Class 2

Substances and products employed for medicinal, pharmaceutical, veterinary and hygienic purposes; natural or prepared drugs; medicinal mineral waters, wines and tonics; insecticides for domestic use.

Such as: Pharmaceutical and medicinal preparations, plasters, vesicants, disinfectants; medicinal oils and soaps, soapy liquids; medicinal products, extracts and essences; veterinary medicines; sheep or cattle-dip; medical gauze, bandages and cotton; insecticides, and medicinal salts, herbs, grains, plants and barks.

##### Class 3

Vegetable, animal and mineral substances in their natural state or prepared for manufacturing, building and domestic uses, and not included in other classes.

Such as: Resins; mineral, vegetable and animal fats and oils, used in manufacture, heating and lighting; non-mineral dyes; cotton fiber and other vegetable textile fibers; wool, silk, bristle, hair, feathers, cork, bones, horse-hair, tortoise-shell, ivory, amber, mother-of-pearl, coral, whalebone and horn; sponges; natural and artificial coal, solid and liquid fuels; lime, plaster, cements; tapers and candles in general; mosaics; construction timber; tars, asphalts, ashes, earths,

stones hewn or unhewn, sand, bricks, flagstones; non-metallic pipes; glazed tiles and roof tiles; slates; marble; waxes; plaster, terra-cotta, cement and other moldings for use in building.

#### *Class 4*

Wrought or partly wrought metals used in industry, and not included in other classes. Foundry, blacksmith's and copersmith's products.

Such as: Iron, steel, bronze, lead, copper, zinc, tin, and other metals and alloys in any industrial form not included in other classes; wire, wire netting; beams, columns, corrugated iron; blacksmith's and foundry articles; iron tubes, tanks, drums and cases; stills, pans, coppers, and similar copper or iron articles; bells.

#### *Class 5*

Machinery and apparatus for all classes of industry, not included in other classes; parts thereof; accessories and equipment for diving and filtering; machinery, apparatus and implements for agriculture, poultry farming, bee-keeping, fisheries, dairies, vine growing, wine production, and forestry, coopering.

Such as: Pumps; generators for motors; machines driven by water, steam, gas, petrol, and the like; machine tools; boilers not included in other classes; motors; sewing, embroidering and knitting machines and needles therefor; fire-extinguishing engines, pumps, and apparatus; plows; boring machines; threshing machines; harvesters and reaping machines; presses; machinery for sugar mills, refineries, oil mills, grinding mills; water-raising machines; cream separators; beehives; incubators; stump-pulling and tree-cutting machines; filtering apparatus; buoys; injectors, not included in other classes; casks and barrels in general.

#### *Class 6*

Surgical, medical, physical, mathematical, scientific and veterinary instruments, other than electrical.

Such as: Lancets, irrigators, tweezers, scissors, scalpels, forceps; optical instruments; theodolites; eyeglasses; range-finders; instruments for measuring, indicating or regulating capacity, quantity, dimensions, power, volume, weight or proportion; thermometers, barometers; cinematographs, films and strips therefor; talking machines, discs, and cylinders therefor; orthopaedic apparatus; photographic and projecting machines and apparatus and their accessories; compasses and slide rules; magnetic compasses; metronomes, tuning forks; dehorners, castrating apparatus, prophylactics, etc.

#### *Class 7*

Musical instruments and apparatus and their accessories. Music and automatic musical instruments.

Such as: Pianos, harmoniums, phonolas, automatic players, cylinders and music therefor; printed music; percussion, wind and stringed musical instruments; music paper; glass harmonicas; strings for musical instruments.

#### *Class 8*

Clocks, watches, etc.; jewellery, precious metals and stones; enamels; articles of gold, silver and platinum.

Such as: Watches and clocks of all kinds; jewellery; filigrees; cigar cases, match boxes, and other articles of precious metals; watchmaker's and jeweller's tools and utensils.

#### *Class 9*

Ceramic articles in general; glassware; articles of bronze, electroplate and non-precious metals, bronze and marble art objects; fancy articles; imitation jewellery; toys; articles for sports; games; playing cards; church ornaments; painted, sculptured, engraved, lithographed and similar art objects.

Such as: Chinaware, crockery, pottery, majolica, earthenware; articles of crystal, glass, ivory, mother-of-pearl, lacquer, amber, bone, horn, celluloid, coral, tortoise-shell, bronze, metal, onyx, agate and other fine stones, and the like and imitations thereof; ruolz-plated and electroplated articles, and articles of non-precious metals, such as Reed and Barton, Christofle, etc.; works of art in bronze and marble; pictures, engravings; toys, dolls; articles for sports; playing cards; gymnasium and fishing apparatus; statues, chalices and communion sets.

#### *Class 10*

Ironmongery; cutlery; painting materials; cordage; locksmith's work; hardware and ironwork; household goods; fancyware and tinware; cables, other than electrical; canvas goods; frames and moldings; wickerwork; and the like.

Such as: Tools in general with or without edge or point, not included in other classes; razors and safety razors; machetes; knives; cutlery in general, and daggers; paints, colors and varnishes; sealing wax; lacquers; wall-paper; paint brushes, oil and turpentine for paints; cords, ropes and twines, of hair or fibers; locks, bolts, hinges, chains, anchors, ironwork; articles of hardware, tinplate, brass and the like; kitchen utensils; glazed and enamelled ironware; nails and screws; tents, marquees, flags, canvas awnings, sails; fabric bags for any purpose; insulating papers and cloths; damp-proofing materials; bottlecaps, cork and metallic stoppers; fire-lighters; night tapers; baskets and wickerwork objects in general; chains of all kinds, transmission belts in general, except those of rubber.

#### *Class 11*

Arms, explosives, military and sporting apparatus and accessories; military equipment.

Such as: Firearms of all calibers, and for all purposes; swords, bayonets, sabers, lances; torpedoes, war and sporting ammunition, powder, dynamite and other explosives; empty cartridge-cases; cartridge belts and pouches; military and hunting equipment; pyrotechnical products.

#### *Class 12*

Transport machinery, apparatus and contrivances in general, and parts and accessories therefor.

Such as: Locomotives, rolling stock for railways and tramways; cableways; rails, signals; winches, cranes, travelling gantries, belt conveyors; lifts or elevators, freight elevators; endless screws, automobiles, aeroplanes, airships, balloons, motorcycles, bicycles, carts and carriages in general, hydroplanes, ships, motorboats, boats; dredges; floating cranes.

*Class 13*

Furniture, cabinet-work, decorative and tapestry work; mattresses; carpentry.

Such as: Furniture of all kinds, of metal, wood, lacquer and others; carpets, curtains and tapestries; table covers; mattresses and bedsprings; mirrors; mats; oilcloth and linoleum; friezes and panels of carved wood; wooden floors, doors, windows and blinds; carved wood ornaments; door mats; coffins, wood veneers for furniture in general.

*Class 14*

Heating, ventilating, lighting, refrigerating and hydrotherapy apparatus and articles; sanitary articles; machines, apparatus and articles for cleaning in general, and for washing, bleaching and cleaning clothing.

Such as: Ranges, braziers, heating devices, stoves, central heating boilers, radiators, thermosyphons, heating coils, fans and blowers, aspirators, air injectors; gas generators; lamps, lighting fittings and fixtures, beacons, luminous buoys, chandeliers, lanterns of all kinds; ice chests, ice and ice-cream making machines, refrigerators; douches, showers and bath apparatus, bathtubs, lavatories, water-closets, bidets, syphons, and other sanitary articles; machines and apparatus for washing, wringing, ironing and drying clothes; carpet, curtain and tapestry cleaners; vacuum cleaners; brooms, feather-dusters, brushes; floor-cloths, polishing cloths and skins; soaps, pastes, powders and liquids for cleaning metal, wood, clothing, leather and the like; starch, borax, soda, laundry blue, preparations for polishing and waxing floors; stain removers, etc.

*Class 15*

Cloths and fabrics in general; knitted fabrics; table linen and underclothing.

Such as: Cloths and fabrics of wool, silk, linen, cotton, jute and other vegetable fibers whether waterproof or not, mixtures thereof; knitted goods; stockings, undershirts, underwear made of said fabrics; tablecloths, napkins; sheets, pillowcases, quilts, blankets.

*Class 16*

Ready-made clothing; footwear; tailored articles; headgear; trimming materials; millinery; dresses; lace; fans; umbrellas; haberdashery; gloves; perfumery; fine-leather goods.

Such as: Clothing for men and women of all ages, accessories therefor; slippers, boots, shoes, insoles and heels for footwear; hats and caps; leggings; braids, galloons, tassels; embroideries; laces; feathers; artificial flowers; dressmaker's, hatter's, shoemaker's and seamstress's supplies; threads, wools, silks, buttons, ribbons, spun goods, needles for sewing and for other purposes, and the like; gloves; walking sticks; corsets; fans; pocketbooks, bags and other fine-leather goods; neckties; extracts, essences, soaps, cosmetics and other toilet articles; waterproof garments.

*Class 17*

Caoutchouc, rubber, gutta-percha, raw and in every form of preparation, and articles manufactured from these substances, other than orthopaedic, surgical, or electrical.

Such as: Transmission belts; tires, inner tubes and casings for vehicle wheels; balls and toys; tubing, sheets, yarn, etc.

*Class 18*

Articles and materials for printing, books, stationery, lithography, book-binding, teaching and drawing, and articles of cardboard. Office supplies; typewriters; calculating and accounting machines; inks.

Such as: Machinery, apparatus and presses for printing by any method; printing type, blocks, drying boards, rulers, galleys; books, prints and reproductions in general; paper and cardboard, except wall-paper; cardboard cases, trays and boxes; paper bags; binding files and classifiers; lithographic stone; apparatus, machinery and tools for bookbinding; maps, globes, blackboards, wall charts; drawing tables; school benches; pens, pencils, inkstands; metal and rubber stamps; paper and fabrics prepared for reproduction; slates.

*Class 19*

Undressed, dressed and manufactured hides and skins, not included in other classes; saddlery; fancy leather-work; trunks and travelling articles in general.

Such as: Fur garments; harnesses, trappings, horse furnishings, whips; blankets for animals; buckles, stirrups, bits, spurs, reins; trunks and valises in general, straps, portmanteaux and walking-stick cases, hatboxes.

*Class 20*

Electricity, electrical machinery, appliances, apparatus and accessories for producing power, heat and light; telephony and telegraphy; wireless telephony and telegraphy; radio, television.

Such as: Dynamos, alternators, resistances; magnetos; telegraphic, telephonic and wireless telegraphy apparatus; electric lamps in general; sockets, shades and bulbs; motors; commutators; cables and wire for electrical uses; transformers; carbons for electric lamps; insulators; voltmeters, ammeters and other measuring and testing apparatus; insulating fabrics; batteries, cells.

*Class 21*

Tobacco, cigars, cigarettes, snuff, and smoker's requirements.

Such as: Pipes, cigar and cigarette holders, cigarette paper, matches, automatic lighters, cigar cases of non-precious metals, cigar cases and tobacco pouches in general, tinder boxes.

*Class 22*

Foodstuffs or substances employed as ingredients in food.

Such as: Prepared cereals; olive oil and other edible oils; malt; dried and preserved fruits; flours, starches, tea, coffee, sago, chocolate, cocoa; meat, fruit, vegetable, fish and shellfish preserves; spices; condiments; maté leaf; sugars, salt; honey and molasses; baker's, confectioner's and pastry products; dairy products; fresh meats, fish, shellfish, poultry, eggs and game; vinegar; macaroni, spaghetti and the like; chicory; substances for infusions and hot drinks; feed and fodder for animals.

*Class 23*

Non-medicinal beverages in general, whether alcoholic or not. Alcohol.

Such as: Wines, sparkling wines, cider, beer, brandy and spirits; fernet, bitters and other bitter beverages; absinthe; syrups; soda-waters, non-medicinal natural and artificial mineral waters; aperitifs; aerated beverages.

*Class 24*

Agricultural, horticultural, floricultural and arboricultural products not included in other classes, by reason of their condition or preparation. Live animals.

Such as: Fresh vegetables, fruits and flowers; grain, seeds, tubers, bulbs, and natural cereals; live plants and trees; barks; birds, poultry, quadrupeds and other live animals not subject to the Branding or Marking Laws.

*Class 25*

Sundry articles not included in other classes.

## Article 7

This Decree shall be communicated, published, and forwarded to the National Register.

## IV

**Extract****Concerning the Red Cross from Law No. 2,976**

(of September 18, 1893)

## Article 6

The Patents and Trademarks Office, etc., shall not register any mark comprising the characteristic emblems of the "Red Cross" [*Curz Roja*]; nevertheless any persons or commercial firms that have used them prior to the present Law, having duly registered them, shall not be disturbed or obliged to alter such marks in any way, without prejudice to whatever arrangements the firm concerned may propose in individual cases.

## V

**Decree****Confirming the Decisions on Escutcheons and Flags**

(of September 3, 1915)

Whereas it is appropriate to ratify the decisions of the Ministry of Agriculture dated November 12, 1914, and April 15, 1915, and having regard to the report of the Attorney-General of the Nation,

The Provisional President of the National Senate, exercising the Executive power,

*Hereby decrees as follows:*

## Article 1

The decisions of the Ministry of Agriculture dated November 12, 1914, and April 15, 1915, are hereby confirmed;

the first of these instructed the Patents and Marks Department not to process "in future any applications in respect of marks consisting wholly or in part of any distinctive sign such as escutcheons, flags, etc., used by countries," and the second further extended the first decision by authorizing "the registration of manufacturing, trade or agricultural marks consisting wholly or in part of a distinctive sign used by other countries, such as escutcheons or flags, if the application is submitted together with an authorization from the Governments concerned."

## Article 2

This Decree shall be communicated, published, and forwarded to the National Register.

## VI

**Decision****Additional to That of November 12, 1914**

(Escutcheons and Flags)

(of July 18, 1917)

Whereas a case has arisen in which the applicant for a trademark who, pursuant to the provisions of the Decisions of November 21, 1914, and April 15, 1915, was unable to register a distinctive sign used by a country, because the necessary authorization was lacking, subsequently requested registration of an imitation of that sign, in the form of a design liable to give rise to confusion; and in accordance with the report of the Treasury Attorney,

*It is hereby decided as follows:*

(1) The Decision of November 12, 1914, forbidding the processing of "any applications in respect of marks consisting wholly or in part of any distinctive sign such as escutcheons, flags, etc., used by countries" must be interpreted and applied in accordance with the provisions of Articles 6 and 21 of Law No. 3,975, that is to say, in the sense of including within the prohibition any emblems that might "directly or indirectly give rise to confusion" with those signs, pursuant to Article 6, or which appear "similar" pursuant to the other Article mentioned.

(2) This Decision shall be communicated and published in the *Official Gazette*.

## VII

**Decree****Prohibition of the Use of the Word "National" by Private Undertakings**

(No. 42,366 of May 23, 1934)

Having regard to the evidence adduced to show that the word "national" is frequently used by private commercial associations or cultural, sporting or charitable associations in such a way that it could cause private companies or establishments to be erroneously regarded as being administrative organs or official centers or institutes of the Nation, and

*Considering:*

(1) That the word "national" in its proper acception signifies "belonging to or pertaining to a nation," and in this sense should be

used solely by the State in order to prevent its being adopted by any private undertaking for commercial or other objectives so as to cover that undertaking's activities, thus misleading the general public and giving the latter to believe that establishments belonging to the public sector are concerned;

(2) That the Congress and the Executive have defined and set forth in various instruments a general criterion to ensure that the word "national," signifying that which pertains to the Nation, will not be improperly used by private persons, and that this is confirmed by the rules set forth in certain laws and decrees. Thus, Law No. 3,975 on manufacturing, trade and agricultural marks states, in Article 3, paragraph (1), that such marks shall not be deemed to include "the letters, words, names or distinguishing signs which are or may be used by the Nation..."; in Law No. 11,275 on the identification of goods, the words "national industry" in the draft text were replaced by "Argentine industry" when the text was adopted; the Executive Decree of March 20, 1902, prohibited the use of the adjective "national" in the documentation of private educational establishments, even if they are affiliated with official establishments; under the Decree dated June 2, 1908, a private company, the "People's National Bank," was forbidden to use the word "national" and was given a time limit of thirty days in which to delete that word from its style; the Decree of April 27, 1923, Article 17, stipulated as a general rule for the Justice Department that the latter must take care not to authorize any companies bearing names that could be confused with, or could give rise to any misunderstanding regarding, institutions or departments administered by the State or for which the latter is responsible; lastly, Article 2 of the Decree of November 7, 1933, forbids the use of national escutcheons or emblems by private persons, corporations or undertakings;

(3) That, notwithstanding the official measures mentioned above, this unlawful and abusive practice still continues to be engaged in by private undertakings of a commercial, cultural, economic, sporting or charitable character on the ground that their establishments are situated in the national territory, or that they receive subsidies or aid from the Government;

(4) That, within the context of the general duty of ensuring respect for the name of the Nation and its emblems, it is appropriate to establish general rules in order to avoid inquiries and decisions concerning individual cases,

For all these reasons,

The President of the Argentine Nation

*Hereby decrees as follows:*

#### Article 1

It shall be prohibited for any private association or undertaking to use the term "national" in its name or style or in documents issued by it or for any other reason.

#### Article 2

A time limit of thirty days is hereby set within which any private undertaking or association must delete the expression or take appropriate steps to that end, failing which the authorization granted to them shall be withdrawn.

#### Article 3

The Department of Justice shall be responsible for ensuring the implementation of this Decree, which must be countersigned by the Minister for the Interior, the Minister for Justice and the Minister for Public Education.

#### Article 4

This Decree shall be communicated, published, forwarded to the National Register, and placed in the archives.

### VIII

#### Decree

#### Prohibiting the Grant to Private Persons of Marks Displaying the Escutcheons of the Nation, the Provinces, or the Capital City (No. 126,065 of February 19, 1938)

Having regard to the submission (file 128,526/1936) from the Patents and Marks Office requesting that private persons applying for the registration of manufacturing, trade or agricultural marks be prohibited from displaying the escutcheon of the Capital City or the colors of its flag in that particular combination, in the form of an emblem, flag, badge or fringe and having regard to the report by the Treasury Attorney,

The President of the Argentine Nation

*Hereby decrees as follows:*

#### Article 1

It shall be prohibited to grant, to private persons, marks displaying the escutcheons of the Nation, the Provinces or the Capital City, and likewise the colors of the flag in that particular combination in the form of an emblem, flag, badge or fringe.

#### Article 2

Public administrations shall be permitted to use marks having the above-mentioned attributes.

#### Article 3

This Decree shall be communicated, published, forwarded to the National Register, and returned to the Patents and Marks Office.

### IX

#### Decree

#### Extending Decree No. 126,065 of February 19, 1938, which Prohibited the Grant to Private Persons of Marks Displaying the Escutcheons of the Nation, the Provinces, or the Capital City, etc. (No. 21,533 of January 12, 1939)

Having regard to the submission (file 8556/1938) from the Municipality of the City of Buenos Aires requesting that registration be refused for marks comprising the words "municipal" or "communal" or the official designations and emblems thereof or of its subsidiary bodies, without prejudice to the acquired rights in respect of marks already registered; having regard to the information adduced and the report on this subject of the Treasury Attorney,

The President of the Argentine Nation,

*Hereby decrees as follows:*

#### Article 1

Decree No. 126,065 of February 19, last, prohibiting the grant to private persons of marks displaying the escutcheons of the Nation, the Provinces or the Capital City, and likewise the colors of the flag in that particular combination in the form of an emblem, flag, badge or fringe, is hereby extended

to include, among the prohibitions stipulated therein, the use of words such as "municipality," "municipal," "communal" and "commune" and the designation and distinctive emblem of the "Green Cross."

#### Article 2

This Decree shall be communicated, published, etc.

### X

#### Decree

##### Prohibiting the Use as a Mark of the Word "Interpol" and its Emblem

(No. 7243/61 of August 22, 1961)

Having regard to the submission (file No. 11,786/P 1961) by which the Federal Police, in its capacity as a member of the International Criminal Police Organization (ICPO-Interpol), requests prohibition of the use of the word and emblem "Interpol" for commercial purposes or in any other inappropriate manner not specific to international police activities, and

##### Considering:

That at the 27<sup>th</sup> General Assembly of the above-mentioned international Organization, held at London, Great Britain, from September 15 to 20, 1958, a resolution for the protection of the term Interpol was adopted;

That, furthermore, the dissemination of the "international police" activities of that organization, which is represented in our country by the Federal Police, makes it necessary to support police activities on the international level because of its functions and the commitment entered into at the aforementioned General Assembly;

For these reasons,

The President of the Argentine Nation,

Hereby decrees as follows:

#### Article 1

The use of the word "Interpol" and the emblem of the International Criminal Police Organization (ICPO — Interpol), a facsimile of which is annexed hereto shall be prohibited for any purposes not corresponding to the activities of the Federal Police, the latter being the representative of that Organization, except that the prohibition shall not apply to use for non-commercial purposes such as educational, historical or other uses designed to disseminate and make known the Organization's activities. Such exceptions shall be subject to prior permission from the Federal Police (Interpol, Buenos Aires).

#### Article 2

This Decree shall be countersigned by the Minister for the Interior and the Minister for External Affairs and Cultural Activities.

#### Article 3

This Decree shall be communicated, published, forwarded to the Department of the *Official Gazette*, and kept in the archives.

### XI

#### Decree

##### on Formalities

(No. 1143/68 of March 4, 1968)

Having regard to the submission of the Office of the Secretary of State for Commerce and Industry (Department of Industrial Property) (file No. 35,301/67), and

##### Considering:

That, in accordance with Decree No. 969/66, all purchases of paper, paperboard and cardboard in general effected on or after January 1, 1967, by the Administration or by any government department or decentralized authority are required to be in conformity with the provisions of standard IRAM 3001;

That legal provisions are in existence which specify, for the documentation submitted to the National Department of Industrial Property, measurements greater than those provided for in the above-mentioned standard, such as the Decree issued by the Executive on August 20, 1900, concerning the drawings accompanying patent applications;

That it is consequently necessary to amend that legal provision and to provide for exceptions in respect of any others which prevent uniformity between the material to be purchased by the State and that to be submitted by interested parties for signature by an official of the appropriate Department and for subsequent return to the applicant;

That furthermore, the differences between the measurements specified in standard IRAM 3001 and those prescribed in the existing provisions are such that they would not in any way adversely effect the clarity which those provisions are designed to ensure;

That, moreover, it is desirable to eliminate the requirement of a frame as set forth in the above-mentioned article, with respect to the fact that drawings on cardboard or fabric must be "delimited by a single line," because this requirement is not applicable to the corresponding printing block having regard to technical reasons of printing;

For these reasons,

The President of the Argentine Nation,

Hereby decrees as follows:

#### Article 1

Article 2 of the Decree of August 20, 1900, specifying the measurements applicable to drawings accompanying patent applications, shall be amended to read as follows:

"Article 2. — They shall be presented on sheets of 210 mm width and 297 mm height, with a margin of 10 mm and shall be executed in black ink and clear lines without any color wash or India ink; the shading lines must be as heavy as the rest of the drawing and must not be too close together."

#### Article 2

All descriptions and other documents submitted to the National Department of Industrial Property, which is under the authority of the National Office of the Secretary of State for Industry and Commerce in pursuance of Laws Nos. 111 on Patents, 3,975 on Manufacturing, Trade and Agricultural Marks, and 16,478 (Decree-Law No. 6,673/63) on Industrial Designs shall be so submitted on thick paper, of the Romani or a similar type, in sheets measuring 210 mm in width and 297 mm in height, with the following margins:

40 mm above, 20 mm below, 40 mm on the left, and 10 mm on the right.

## Article 3

This Decree shall enter into force 60 days after the signature thereof.

## Article 4

All provisions not in conformity with this Decree are hereby revoked.

## Article 5

This Decree shall be countersigned by the Minister for Economy and Labor and signed by the Secretary of State for Industry and Commerce.

## Article 6

This Decree shall be communicated, published, forwarded to the National Register, and placed in the archives.

## NEWS CONCERNING NATIONAL PATENT OFFICES

### Report on the Activities of the Hungarian National Office for Inventions in 1968

As the national economy of the Hungarian People's Republic has developed, there has been an upsurge of industrial property activity.

In the interest of protecting the results of technological advance and cultivating a knowledge of industrial property matters, the Hungarian Revolutionary Government of Workers and Peasants in 1967 issued regulations setting forth the tasks and powers devolving upon the country's industrial property authority, the National Office for Inventions.

According to these regulations, the National Office for Inventions, in addition to its conventional industrial property services, is also entrusted with the following duties:

- (a) providing assistance to enterprises in the development of their industrial property activities, in cooperation with the Ministries of the sectors;
- (b) carrying out central tasks related to information retrieval in the field of industrial property and coordinating such operations on a national basis;
- (c) organizing and directing training programs on industrial property at different levels;
- (d) assuring technical supervision, as regards industrial property matters, of the social organs;
- (e) performing search services in the field of industrial property, as well as making use of documentation material within the sphere of information activity.

The results of the activities of the National Office for Inventions in 1968 are given below.

## Patents

The socio-economic development of recent years — and, in particular, the instituting of a new system of economic administration and the resulting expansion of international economic relations — has brought the role of patents into the forefront.

This is evidenced by the fact that, in 1968, the number of patent applications filed in Hungary was the highest since World War II.

The following table gives the figures for applications filed, patents granted, and applications pending at the end of the year.

	Applications filed	Patents granted	Applications pending
1964	2,046	719	2,379
1966	2,663	800	2,995
1968	3,217	1,224	4,345

In connection with the large number of applications filed, the increase in the number of foreign applications is remarkable. In 1968, there were more foreign applications (51.7 per cent) than national applications for the first time in many years, and foreign applications also reached the highest number ever filed to date.

In the course of 1968, patent applications from 28 countries were received. The countries that filed the greatest number were the German Democratic Republic (390), the Federal Republic of Germany (341) and Switzerland (191).

The number of patents granted began to rise in 1962 and reached a peak in 1968. Of the patents granted, 57 per cent went to foreign applicants. Foreign applicants from 27 countries were granted a total of 698 patents. The majority of these patents were granted in respect of applications from Switzerland (140), the Federal Republic of Germany (139) and the German Democratic Republic (126).

Of the patents granted, 34.2 per cent were in technical class 12 (chemical processes and equipment) and 8.7 per cent in technical class 21 (electrical engineering).

In regard to the processing of applications, a considerable change has taken place over the past ten years. Nowadays, processing not only involves an administrative operation but has become a scientific undertaking. The most important goals are the continued improvement of the procedure as well as the rapid handling of applications. Relative rapidity can be seen in the fact that it takes 24 months to process patent applications filed at our Office, which can be considered a satisfactory period of time even in comparison with other countries.

The upsurge of patent activity is further evidenced by the fact that the number of valid patents in Hungary is steadily rising. At December 31, 1968, there were 8,002 patents in force which, in comparison with the 3,883 such patents in 1958 represents an increase of 206 per cent.

Of the 8,022 patents in force, 5,278 belong to national firms and 2,744 to foreign firms. Most of the patents belonging to foreign firms were issued in respect of applications from Switzerland (485), the German Democratic Republic (483) and the Federal Republic of Germany (471).



### Marks

Substantial increases over the past few years can also be noted in regard to marks. This is clear from the following table which gives the figures for new applications filed:

1965	265
1966	276
1967	457
1968	763

These figures show that the number of applications filed in 1968 is 287 per cent above the number filed in 1965.

International marks filed through the International Bureau are also continuously processed. At the end of December 1968, there were 197,046 international marks in force in Hungary.

Over the years, there has likewise been an improvement in the registering of marks, which the introduction of an examination system has made more effective. Marks are generally registered within a period of six months.

### Other Activities

One of the most important services of the Office is to give adequate patent documentation to national enterprises. In connection with watching for subject matter in patents, the Office supplied 82 enterprises with approximately 30,000 items of information on 1,292 subjects. The patent documentation service carried out standing searches among the patents of various countries for 65 enterprises.

Instruction in industrial property and the relevant examinations are also aimed at further cultivating proficiency in this subject. Over 70 university students took the training course for patent agents. Within the framework of six courses offered at the secondary-school level, 248 students were awarded certificates.

Considerable time and effort went into preparing a new Patent Bill in 1968. Serious studies were made and discussions held with a view to drafting a new Law that would be both modern and progressive. These efforts were successful, for the Hungarian Parliament accepted the Bill in 1969 and the Law entered into force on January 1, 1970.

The Office also elaborated a new Trademark Bill which was discussed by the Government in 1969 and is expected to be enacted in 1970.

The new Patent Law and the Trademark Law now in course of preparation appear to ensure that industrial property activity will continue to expand in the Hungarian People's Republic and that there will be increasing interest from abroad in the operations of the Hungarian authorities in this field.

## NEW ZEALAND

### Report on the Activities of the Patents Division

By A. D. McGREGOR

In accordance with statutory requirements, the Commissioner of Patents submitted the following report on the Patents Division of the Department of Justice of New Zealand

for the period April 1, 1968, to March 31, 1969, to the House of Representatives of the Parliament of New Zealand.

### Applications and Fees Received

A total of 7,553 applications were received during the year. The following table supplies the separate figures for patents, designs, and trademarks, together with the total fees collected in each category, during the past three years.

	1966 - 67		1967 - 68		1968 - 69	
	Ended March 31, 1967		Ended March 31, 1968		Ended March 31, 1969	
	Applications	Fees	Applications	Fees	Applications	Fees
		NZ \$		NZ \$		NZ \$
Patents	3,665	120,172	3,698	147,028	3,953	158,124
Designs	361	2,826	423	2,900	405	3,255
Trademarks	2,947	64,946	2,901	79,081	3,195	79,454
Totals	6,973	187,944	7,022	229,009	7,553	240,833

The total receipts for the year amounted to NZ \$ 240,621 and the expenditure for the year was NZ \$ 186,829, of which salaries totalled NZ \$ 160,606.

### Patents

The 3,953 applications for the grant of letters patent received during the period were in respect of inventions in the following fields: chemistry, 1,173; mechanical engineering, 1,040; electrical engineering, 628; home science and miscellaneous, 479; building, 416; primary industries, 217.

The countries from which these applications originated were: New Zealand, 1,037; United States of America, 887; Great Britain, 794; Germany, 293; Australia, 277; Switzerland, 193; Japan, 79; the Netherlands, 78; the balance of 315 came from 28 other countries.

After examination, 2,675 cases proceeded to acceptance, and letters patent were sealed on 2,276 applications.

In applications for patents filed during the year, the majority of chemical inventions concerned drugs . . .

In other fields of inventiveness, building construction inventions showed more use being made of preformed plastic units, and continuous casting processes have been receiving attention . . .

### Trademarks

The 3,195 applications for the registration of trademarks during the period were made by applicants from the following countries: New Zealand, 1,035; United States of America, 757; Great Britain, 550; Australia, 175; Japan, 164; Germany, 137; Switzerland, 122; France, 76; Italy, 37; the Netherlands, 33; Canada, 22; and the balance of 87 from 16 other countries.

In all, 2,395 applications were accepted and advertised, and 2,587 were duly registered; 2,490 existing registrations were renewed.

### General

The year under review has been another record one in both revenue (mostly in overseas currency) and in the total number of applications filed. The Patent Office, moreover, continues to be run at an annual profit — a situation which appears to be unique in the Commonwealth.

The foregoing is indicative of the continued confidence of commerce and industry in New Zealand's patents, designs, and trademarks systems. Confidence, however, is a fragile thing and must always be merited. In short, we cannot afford to be complacent. Substantial arrears of work remain, and in some areas they are increasing. The situation admittedly could be a lot worse, but it could and should be a lot better. Serious difficulties continue to be experienced in the recruitment and retention of scientific staff, but the reason for this is plain and well known. Well-qualified scientific staff can do better for themselves elsewhere in the New Zealand Government Service (without having to acquire a knowledge of patent law and practice in addition to their scientific skills) and while this situation obtains I see no prospect whatever of any real improvement in the scientific staffing of the Patent Office.

## CONVENTIONS AND TREATIES

other than those administered by BIRPI

### Member States of Industrial Property Conventions and Treaties other than those administered by BIRPI, as on January 1, 1970

#### I

##### Council of Europe

European Convention relating to the Formalities required  
for Patent Applications (1953)  
(Entered into force June 1, 1955)

Member States	Date of Ratification of or Accession to the Convention
Belgium . . . . .	March 12, 1965
Denmark . . . . .	September 3, 1956
Federal Republic of Germany . . . .	May 17, 1955
France . . . . .	January 18, 1962
Greece . . . . .	June 15, 1955
Iceland . . . . .	March 24, 1966
Ireland . . . . .	June 17, 1954
Israel * . . . . .	April 29, 1966
Italy . . . . .	October 17, 1958
Luxembourg . . . . .	July 4, 1957
Netherlands . . . . .	May 9, 1956
Norway . . . . .	May 21, 1954
South Africa * . . . . .	November 28, 1957
Spain * . . . . .	June 28, 1967
Sweden . . . . .	June 28, 1957
Switzerland . . . . .	December 28, 1959
Turkey . . . . .	October 22, 1956
United Kingdom of Great Britain and Northern Ireland . . . . .	May 5, 1955

\* These countries are not members of the Council of Europe.

### European Convention on the International Classification of Patents for Invention

(including Annex as amended) (1954-1967)  
(Entered into force August 1, 1955)

Member States	Date of Ratification of or Accession to the Convention
Australia * . . . . .	March 7, 1958
Belgium . . . . .	May 16, 1955
Denmark . . . . .	September 23, 1957
Federal Republic of Germany . . . .	November 28, 1955
France . . . . .	July 1, 1955
Ireland . . . . .	March 11, 1955
Israel * . . . . .	April 18, 1966
Italy . . . . .	January 9, 1957
Netherlands . . . . .	January 12, 1956
Norway . . . . .	March 11, 1955
Spain * . . . . .	September 1, 1967
Sweden . . . . .	June 28, 1957
Switzerland . . . . .	December 20, 1966
Turkey . . . . .	October 22, 1956
United Kingdom of Great Britain and Northern Ireland . . . . .	October 28, 1955

\* These countries are not members of the Council of Europe.

### Convention on the Unification of Certain Points of Substantive Law on Patents for Invention (1963)

This Convention, signed on November 27, 1963, is not yet in force. It was ratified by Ireland on June 25, 1968, and has been signed but not ratified by the following States: Belgium, Denmark, Federal Republic of Germany, France, Italy, Luxembourg, Netherlands, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland.

#### II

### International Patent Institute The Hague Agreement of June 6, 1947, establishing the International Patent Institute

Member States	Date on which adhesion to the Union took effect	Date on which the State ratified the Act of The Hague of February 16, 1961 *
Belgium . . . . .	June 10, 1949	October 1, 1969
France . . . . .	June 10, 1949	June 13, 1962
Luxembourg . . . . .	June 10, 1949	December 23, 1963
Monaco . . . . .	August 2, 1956	December 13, 1962
Morocco <sup>1</sup> . . . . .	January 1, 1956	
Netherlands . . . . .	June 10, 1949	September 4, 1963
Switzerland . . . . .	January 1, 1960	May 3, 1962
Turkey . . . . .	September 28, 1955	
United Kingdom . . . . .	August 2, 1965	

\* This Act, not having been ratified by all the signatory States, has not yet entered into force.

<sup>1</sup> Morocco has declared its decision to withdraw from the Hague Agreement. The denunciation takes effect on April 28, 1970.

## NEWS ITEMS

### ARGENTINA

#### *Appointment of a New National Director of Industrial Property*

We have been informed that Mr. Gerardo Rodolfo Seeber has been appointed National Director of Industrial Property of Argentina with effect from March 1, 1969.

We take this opportunity of congratulating Mr. Gerardo Rodolfo Seeber on his appointment.

### GREECE

#### *Appointment of a New Director of the Industrial Property Office*

We have been informed that Mr. Antoine Merkouris has been appointed Director of the Greek Industrial Property Office.

We take this opportunity of congratulating Mr. Merkouris on his appointment.

## CALENDAR OF MEETINGS

### BIRPI Meetings

**January 19 to 23, 1970 (Geneva) — Committee of Directors of National Industrial Property Offices of the Madrid Union (Marks)**

*Object:* Study of Draft Regulations under the Madrid Agreement (Nice text) and administrative questions — *Invitations:* All member States of the Madrid Agreement (Marks)

**January 19 to 23, 1970 (The Hague) — Joint ad hoc Committee on the International Classification of Patents — Temporary Working Group VI (1st Session)**

*Object:* Harmonization of the English and French texts of the Classification — *Invitations:* France, Spain, Switzerland, International Patent Institute — *Note:* Meeting convened jointly with the Council of Europe

**February 24 to 27, 1970 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Bureau (1st Session)**

*Object:* Supervision and coordination of the activities of the Working Groups — *Invitations:* Czechoslovakia, Germany (Fed. Rep.), Netherlands, Soviet Union, United Kingdom, United States of America — *Observers:* International Patent Institute — *Note:* Meeting convened jointly with the Council of Europe

**March 9 to 20, 1970 (Geneva) — Preparatory Study Group on PCT Regulations**

*Object:* Study of Draft PCT Regulations — *Invitations:* All member States of the Paris Union — *Observers:* States not members of the Paris Union: India, Pakistan. Intergovernmental Organizations: United Nations; United Nations Industrial Development Organization; United Nations Conference on Trade and Development; International Patent Institute; Organization of American States; Permanent Secretariat of the General Treaty for Central American Economic Integration; Latin American Free Trade Association; Council of Europe; European Atomic Energy Community; European Economic Community; European Free Trade Association; African and Malagasy Industrial Property Office. Non-Governmental Organizations: Committee of National Institutes of Patent Agents; Council of European Industrial Federations; European Industrial Research Management Association; Inter-American Association of Industrial Property; International Association for the Protection of Industrial Property; International Chamber of Commerce; International Federation of Inventors' Associations (IFIA); International Federation of Patent Agents; Japan Patent Association; National Association of Manufacturers (USA); Union of European Patent Agents; Union of Industries of the European Community

**April 7 to 10, 1970 (Paris) — Joint ad hoc Committee on the International Classification of Patents (3rd Session)**

*Object:* Study of Draft Agreement for the revision of the European Convention on the International Classification of Patents for Invention of December 19, 1954 — *Invitations:* Czechoslovakia, France, Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Spain, Switzerland, United Kingdom, United States of America — *Observers:* International Patent Institute — *Note:* Meeting convened jointly with the Council of Europe

**April 13 to 17, 1970 (Geneva) — Committee of Experts for the Revision of the Madrid Agreement (Marks)**

*Object:* Study of the revision of the Agreement — *Invitations:* All member States of the Madrid Agreement (Marks); Denmark, Finland, Japan, Norway, Soviet Union, Sweden, United Kingdom, United States of America — *Observers:* Intergovernmental and international non-governmental Organizations concerned

**May 11 to 15, 1970 (Geneva) — Working Group on the International Classification of Figurative Elements of Marks**

*Object:* Elaboration of a draft Classification — *Invitations:* To be announced later

**May 19 to 21, 1970 (Geneva) — Ad hoc Preparatory Committee for the Revision of the Berne Convention**

*Object:* To prepare a draft text of the proposals for revision of the Berne Convention — *Invitations:* France, Germany (Fed. Rep.), India, Italy, Mexico, Tunisia, United Kingdom, Yugoslavia — *Observers:* Kenya, United States of America — *Non-participating Observers:* All other States members of the Berne Union or party to the Universal Copyright Convention; representatives from international non-governmental organizations to be appointed

**May 25 to June 19, 1970 (Washington) — Diplomatic Conference for the Patent Cooperation Treaty (PCT)**

*Invitations:* All member States of the Paris Union — *Observers:* Other States; Intergovernmental and international non-governmental Organizations concerned

**June 23 to 25, 1970 (London) — Joint ad hoc Committee on the International Classification of Patents — Working Group V (1<sup>st</sup> Session)**

*Object:* Supervision of the uniform application of the Classification — *Invitations:* Germany (Fed. Rep.), Netherlands, Soviet Union, United Kingdom, United States of America — *Note:* Meeting convened jointly with the Council of Europe

**June 29 and 30, 1970 (Geneva) — Sub-Committee of the Committee of Experts for the International Classification of Goods and Services (Marks)**

*Object:* Consideration of proposals for amendments and additions to the International Classification — *Invitations:* Members of the Sub-Committee

**July 1 to 10, 1970 (Geneva) — Committee of Experts for the International Classification of Goods and Services (Marks)**

*Object:* Decisions concerning the proposals for amendments and additions to the International Classification — *Invitations:* All member States of the Paris Union — *Observers:* All member States of the Paris Union

## Meetings of Other International Organizations Concerned with Intellectual Property

**January 12 to 16, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Committee of Experts**

**January 23, 1970 (Paris) — International Literary and Artistic Association (ALAI) — Executive Committee and General Assembly**

**March 8 to 11, 1970 (London) — International League Against Unfair Competition (LICCD) — Mission to study the British law on restrictive practices in competition**

**March 23 to 25, 1970 (Munich) — International Association for the Protection of Industrial Property (IAPIP) — Council of Presidents**

**May 2 to 6, 1970 (Istanbul) — International League Against Unfair Competition (LICCD) — Symposium**

**May 11 to 16, 1970 (Paris) — United Nations Educational, Scientific and Cultural Organization (Unesco) — Ad hoc Preparatory Committee for the Revision of the Universal Copyright Convention**

**June 22 to 27, 1970 (Las Palmas) — International Confederation of Societies of Authors and Composers (CISAC) — 27<sup>th</sup> Congress**