

# Industrial Property

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## Contents

	Pages
INTERNATIONAL UNIONS	
<i>Ratifications and Accessions</i>	
Madrid Union (Marks). Ratification of the Nice Act. Austria . . . . .	39
<i>Other Items of Information</i>	
Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT). Technical Coordination Committee. Third Session (Geneva, December 12, 1969) . . . . .	39
LEGISLATION	
Argentina. Industrial Property Legislation. Third and Last Part (Marking of Goods and Industrial Designs) . . . . .	40
Denmark, Finland, Norway and Sweden. Nordic Decrees on Patent Formalities (Regulations) . . . . .	49
Italy. Decrees Concerning the Temporary Protection of Industrial Property Rights at Fifteen Exhibitions (of November 29 and December 12, 1969, and January 8, 12 and 15, 1970) . . . . .	59
GENERAL STUDIES	
New Australian Patent Law (K. B. Petersson) . . . . .	60
Comments on the Australian Patents Act 1969 (J. Barton Hack) . . . . .	62
NEWS CONCERNING NATIONAL PATENT OFFICES	
Mexico. Report on the Work of the General Directorate of Industrial Property . . . . .	65
NEWS CONCERNING INTERNATIONAL ORGANIZATIONS OTHER THAN BIRPI	
Cooperation between the United Nations and BIRPI in 1969 . . . . .	66
BOOK REVIEWS . . . . .	68
CALENDAR OF MEETINGS	
BIRPI Meetings . . . . .	70
Meetings of Other International Organizations Concerned with Intellectual Prop- erty . . . . .	71
Vacancies for Posts in BIRPI . . . . .	72



# INTERNATIONAL UNIONS

## Madrid Union (Marks)

### Ratification of the Nice Act

#### AUSTRIA

According to a communication from the Swiss Federal Political Department, dated January 8, 1970, the latter addressed, on January 8, 1970, the following notification to the Governments of the Member States of the Paris Union for the Protection of Industrial Property:

"On November 21, 1969, the Republic of Austria deposited with the Ministry of Foreign Affairs in Paris an instrument of ratification of the Madrid Agreement Concerning the International Registration of Trademarks, of April 14, 1891, as revised at Nice on June 15, 1957.

On the occasion of the deposit of this instrument, it was stated that the Republic of Austria intended to avail itself of the right provided for in Article 3<sup>bis</sup> of the said Agreement and that the protection resulting from the international registration would extend to Austria only at the express request of the proprietor of the mark.

In conformity with Article 16 (3) of the Paris Convention for the Protection of Industrial Property, to which Article 12 (3) of the Madrid Agreement refers, the above-mentioned ratification will take effect on February 8, 1970."

## ICIREPAT

### Technical Coordination Committee

#### Third Session

(Geneva, December 12, 1969)

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

The third session of the Technical Coordination Committee of the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) was held in Geneva on December 12, 1969.

The list of participants appears at the end of this Note.

The following are among the more important decisions made at the third session of the Technical Coordination Committee:

#### 1. Officers

The meeting unanimously elected Mr. G. Borggård (Director-General, Swedish Patent Office) as Chairman and Mr.

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

P. van Waasbergen (Technical Director, International Patent Institute) as Vice-Chairman of the Technical Coordination Committee for the first three-year term under Article 9, paragraphs (2) and (6), of the Organizational Rules of ICIREPAT.

#### 2. Rules of Procedure

The Committee adopted its Rules of Procedure.

#### 3. Sessions in 1970

The Committee took note of a report prepared by BIRPI containing proposals as to dates for the session of the Plenary Committee of ICIREPAT, the Technical Coordination Committee, the Technical Committees (TCs) and the Advisory Board for Cooperative Systems (ABCS) in the course of 1970, and agreed on a time-table for these sessions.

#### 4. Suggestions of Technical Committees

A series of suggestions emanating from the six Technical Committees were discussed and a number of decisions made.

The Committee approved the establishment of a subcommittee of TC I (Retrieval Systems, Design and Testing) to study the question of mechanized, including computerized, information retrieval systems in the field of organic compounds with the aim of coordinating the activities of ICIREPAT in this field.

The Committee approved the choice of TC II (Technical Fields: Forward Planning) of four new shared systems (Moulding Plastics, Electric Relays, Fluidics, Selective Printers) to be developed in 1970, underlining once again that, in the future, any agreement on a package program should be reached on the basis of both the expressed interest of countries in certain systems and the characteristics of the systems themselves.

In this connection, the Committee asked the Secretariat to make a reassessment study of the shared systems program approach in the course of 1970. This study could then be taken as a basis for further discussion in the autumn session of the Committee in 1970.

As regards the question of the interpretation of the mandate of TC III (Advanced Computer Techniques), the Committee agreed that the mandate of TC III did include consideration of general problems of the basic design of systems that necessitate computer implementation. General questions of system design were considered to be within the province of TC I.

The Committee adopted several recommendations by TC IV (Microform) relating to the standardization of microfilm aperture cards. In particular, specific and detailed recommendations on the image resolution (image quality) and image density for disseminating and exchanging 8-up aperture cards were approved.

The Committee adopted a recommendation proposed by TC VI (Systems Implementation) concerning magnetic tape as a carrier medium for multilateral information exchange for shared system or similar information.

## List of Participants

### I. Participating Countries

#### France

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

#### Germany (Federal Republic)

Mr. G. Gehring, Regierungsdirektor, Patent Office, Munich  
Mr. A. Wittmann, Regierungsdirektor, Patent Office, Munich

#### Netherlands

Mr. G. J. Koelewij, Head of Documentation Department, Patent Office, The Hague  
Mr. J. Dekker, Head of Electrical Examining Division, Patent Office, The Hague

#### Sweden

Mr. G. Borggård, Director General, Patent Office, Stockholm  
Mr. T. Gustafson, Deputy Director General, Patent Office, Stockholm

#### Union of Soviet Socialist Republics

Mr. V. Kaliuin, Second Secretary, Permanent Mission of the USSR, Geneva (Part time)

#### United Kingdom

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

#### United States of America

Mr. R. A. Spencer, Acting Assistant Commissioner for Research and Development, Patent Office, Washington  
Mr. E. Hurd, Director, Office of Organization and Systems Analysis, Patent Office, Washington

### II. Intergovernmental Organization

#### International Patent Institute

Mr. L. F. W. Knight, Consultant in Information Retrieval, The Hague

### III. Officers of Technical Committees and ABCS

Miss I.-L. Schmidt, Chairman of TC I, Danish Patent Office, Copenhagen  
Mr. A. Wittmann, Chairman of TC II, German Patent Office, Munich  
Mr. L. F. W. Knight, Chairman of TC III, International Patent Institute, The Hague  
Mr. E. Hurd, Chairman of TC IV, US Patent Office, Washington  
Mr. D. G. Gay, Chairman of TC VI, UK Patent Office, London  
Mr. J. Dekker, Chairman of ABCS, Netherlands Patent Office, The Hague

### IV. Officers of the Committee

Chairman: Mr. G. Borggård (Sweden)  
Vice-Chairman: Mr. P. Van Waasbergen (International Patent Institute) (excused)  
Secretary: Mr. K. Pfanner (BIRPI)

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

Mr. K. Pfanner, Senior Counsellor, Head of the Industrial Property Division  
Mr. W. Weiss (German Patent Office)  
Mr. P. H. Claus, Technical Assistant  
Mr. S. Hayashi (Japanese Patent Office)

# LEGISLATION

## ARGENTINA

### Industrial Property Legislation

*Third and Last Part (Marking of Goods and Industrial Designs)*

#### I

### The Domestic Goods Identification Law

(No. 11,275 of October 30, 1923)

#### Article 1 (Law No. 13,526, Article 1)

The use in any presentation, labelling, advertising or trade propaganda of any inaccuracy, exaggeration or concealment likely, due to its serious or misleading character, to give rise to error, misunderstanding or confusion as to the quality of the products concerned or their quantity, origin, qualities, properties, elements, purity, or as to the production or marketing techniques concerned, is prohibited.

All products or goods manufactured in the country shall bear the words *industria argentina* (Argentine Industry) in a visible place on the containers, wrappers or on the objects themselves.

#### Article 2

Vendors of products manufactured in Argentina shall have marked upon them the words prescribed in the preceding Article, and when advertising the goods in prospectuses, shall indicate their origin therein.

#### Article 3

Importers or vendors of foreign products shall cause the name of the country of origin to be printed or marked in a visible place on the containers, wrappers, or on the objects themselves.

#### Article 4

Any factory or manufacturer established in the country shall display in the Spanish language any particulars referring to their products which appear on the containers, labels, or the objects which they manufacture, but they may place any translations which they consider suitable beside the wording in Spanish.

#### Article 5

National trademarks hereafter registered or filed, even when consisting of fanciful names, shall not contain words in any languages other than dead languages or Spanish, except in so far as the names of persons are concerned.

#### Article 6

All manufacturers or vendors of products, whether of Argentine or foreign origin, shall in every case specify on the labels of containers the quality of the product, stating whether it is pure or a mixture, and the net weights and measures of the contents.

## Article 7

In the case of wines and liquors, the purity shall be automatically determined by the stamp of the Inland Revenue Office giving the corresponding chemical analysis and the degree of proof. In cases in which national wines are blended with foreign wines, the bottle shall bear a label specifying the kinds of wines contained, together with the proportion of each.

## Article 8 (Law No. 14,004, Article 1)

Any infringement of the provisions of this Law shall be punishable by a fine of from one hundred to one hundred thousand Argentine pesos, imposed by the Executive under whatever procedure it may establish; an appeal may be brought before the National Court of the jurisdiction concerned, whose decision shall be final.

Any action or sanction pursuant to this Law shall become statute-barred after a period of five years.

Any administrative or judicial acts shall have the effect of interrupting the said period.

## Article 9 (Law No. 13,526, Article 1)

The Executive shall issue implementing regulations for this Law and may, moreover, in particular:

- (a) determine the placing, form and characteristics of the indications required by law;
- (b) establish compulsory nomenclatures or specifications to be required for the proper identification of goods;
- (c) require the packaging of goods where their sale in bulk would encourage infringement of this Law.

## Article 10 (Law No. 13,526, Article 1)

For the purposes of this Law the Executive shall be empowered to:

- (a) require all labels and leaflets to be submitted for approval, in order to verify that they are in conformity with this Law and its implementing regulations; such approval may be granted provisionally, where appropriate;
- (b) approve propaganda material voluntarily submitted to it;
- (c) maintain registers of manufacturers, importers, packagers or processors of the product used in industry or manufactured who shall be obliged to register themselves therein, where such registration is necessary for attainment of the objectives of this Law;
- (d) extract samples of merchandise and submit them to examination or analysis, for which purpose standards shall be drawn up which afford to the party concerned an opportunity to verify the results and present any objection he may wish to make;
- (e) intercept products when a serious infringement is evident or likewise whatever the importance thereof when supplied by parties having infringed the provisions of paragraph (c). Similar action may be taken for the period required for the necessary checks to be made when, in the event of a well-founded suspicion of infringement, the verification thereof might be hampered by the delay or by action on the part of the party concerned or by a third party;

- (f) order the vendor or the supplier to put an end to any publicity that contravenes this Law within a reasonable period. In the event of non-compliance, each day that it persists or each new announcement or publication shall be deemed to be a separate infringement, and the maximum amount of the fine applicable shall be multiplied by the number of times that the infringement has been committed.

## Article 11 (Law No. 13,526, Article 1)

In the cases falling within the provisions of paragraphs (a), (b), (e) or (f) of the preceding Article, a claim may be presented for revocation of the decisions of the administrative authority responsible for implementation of this Law while retaining the possibility of a further appeal [*revocatoria con apelación en subsidio*] within 5 days following notification thereof. Except where it is otherwise provided, the claim shall be allowed solely for the purpose of restitution.

## Article 12

This Law shall be communicated to the Executive.

## II

## Decree

Establishing Implementing Regulations for Law No. 11,275  
(of November 18, 1932)

Having regard to the report presented to the Ministry of Agriculture by the Committee composed of representatives of various industrial and business groupings, appointed to study amendments requested to Law No. 11,275 and the relevant implementing decrees, and

## Considering:

That Law No. 11,275 was enacted with the fundamental objective of stimulating and promoting the national industry and of informing consumers, at all times, of the origin, content and composition of the articles purchased by them;

That this objective is attained through the requirement of displaying the words *Industria Argentina* (Argentine Industry) in a prominent and visible place;

That until such time as Article 5 of Law No. 11,275 is revoked or amended by the National Congress, it is essential to establish regulations on the use of fanciful words or names in a less restrictive way, in order to prevent the adverse effects caused for industry and commerce by the existing legislation, which offer no advantage to collective interests,

The President of the Argentine Nation, acting in the General Council of Ministers,

## Hereby decrees as follows:

## Article 1

All produce, goods and merchandise offered in the market shall comply with the provisions of Law No. 11,275 and with the present implementing decree.

## Article 2

All produce, goods and merchandise produced, processed or manufactured in the country shall be deemed to have their origin in *Industria Argentina* (Argentine Industry) even where they are in any proportion derived from foreign raw materials.

## Article 3

All imported produce, goods and merchandise entering the market, without undergoing any transformation, shall be deemed to have their origin in foreign industry. The same provision shall apply where the products concerned undergo only additional handling in the country (sub-division, re-packing or assembly). In such case, it shall be indicated that these operations have been carried out in the country.

## Article 4

The term *Industria Argentina* shall be displayed in the following way:

- (a) in a position and manner visible to the consumer;
- (b) it shall not be translated or replaced by similar expressions, its two component words shall not be separated, nor may it form part of a longer sentence or phrase;
- (c) in all cases where the containers, principal labels or wrappers bear panels, designs or inscriptions divided into sections, the term *Industria Argentina* shall be included in the principal panel, section or part.

## Article 5

The term *Industria Argentina* shall be displayed:

- (a) on containers bearing any indication, whether printed, engraved or lithographed, it shall be indicated in the same manner. In other cases, it shall be indicated on the label affixed to the containers;
- (b) on the outer wrappers when, in addition to the principal inscriptions or labels affixed to the containers, the latter are presented to the public wrapped or packaged in any other outer presentation on which any inscription appears;
- (c) on bottles or other containers of glass, pottery-ware or metal on which a proprietary mark appears in indelible form, the term *Industria Argentina* shall also be included, without prejudice to the like requirement in respect of the labels affixed thereto;
- (d) on the articles themselves, where feasible, except where they are presented to the consumer in sealed wrappers or containers. Where it is not feasible or not customary in the trade to mark the articles themselves, the indication shall be displayed on the label affixed thereto;
- (e) on all leaflets or instructions accompanying the produce, goods or merchandise concerned.

## Article 6

With respect to all foreign produce, goods or merchandise, the country of origin or of consignment shall be indicated, preferably by using terms such as: "*Industria Española*," "*Made in England*," "*Made in Germany*," "*Fabbricazione Italiana*," etc. The term "*Made in U. S. A.*" shall be accepted as an indication of origin for the United States of North America. The names of cities, capitals or those of towns generally recognized as being centres of some manufacturing industry may be accepted as a secondary or accessory indication of the country of origin, for example, Solingen, Sheffield, Lyons, Milan, etc.

## Article 7

The indication of origin or of consignment of foreign products shall be displayed in a visible place on the containers, wrappers, labels and on the articles themselves whenever the other particulars are shown thereon.

## Article 8

With respect to all produce, goods and merchandise, whether of Argentine or foreign origin, the quality, quantity, purity or blend, and the net weight or measurements of the contents, shall be stated on the containers, labels and wrappers, according to the method of sale in each case.

## Article 9

With respect to edible oils, the finished product, whether obtained by blending different kinds of edible oils, or comprising only one raw material, shall be designated as "*Aceite Comestible*" (edible oil).

## Article 10

Edible oils offered for consumption under the designation of a particular raw material must be pure.

Any blends, whatever the respective percentages of their components, shall be offered under the generic name indicated in the preceding Article.

## Article 11

With respect to wines and liqueurs, the purity shall be determined, for the former, by the stamp of the Inland Revenue Administration and, for the latter, by typical analysis or analysis of normal supplies.

## Article 12

All indications displayed on Argentine produce, goods and merchandise shall be in the national language. Beside such indications, such translations as may be deemed appropriate may be given, provided that they shall not be displayed in a form or in characters more prominent than those in Spanish.

## Article 13

Any indications used by manufacturers of or traders in produce, goods and merchandise, whether of Argentine or foreign origin, to inform, guide, instruct or advise the consumer must be drafted clearly and precisely and so as not to deceive or exaggerate with regard to the quality thereof or the origin of the raw materials used therein. It shall not be permitted to use any terms, distinctive marks, emblems or attributes that might mislead the consumer regarding the quality or origin of the product.

## Article 14

When in connection with foodstuffs, beverages, condiments or tobacco any reference is made to medicinal properties or therapeutic qualities, the products concerned shall be deemed to be "*pharmaceutical preparations*" and, as such, shall be subject to approval by the appropriate health authorities.

## Article 15

Weights and measures shall be expressed in the decimal metric system, with respect to both domestic and foreign products, but the latter may also bear such indications in the system in use in their country of origin or of consignment. The statement of contents shall refer solely to the net weight or volume. In the case of opaque hermetically sealed containers entering the market and containing foodstuffs, a difference of not more than 10 per cent shall be permissible between the capacity of the containers and the volume of the product contained therein. In the case of glass containers, a difference of not more than 5 per cent shall be permissible between the capacity thereof and the actual volume of the contents.

## Article 16

Foreign words that are universally known and which are customarily used in the trade to designate commercial goods shall be acceptable as a legal designation for Argentine products, for example Yoghurt, Caviar, Pâté de Foie, Old Tom, Gin, Dry Gin, Brandy, Cocktail, Kirsch, Vermouth, Grappa, Bitter, Vodka, Cognac, Fine Champagne, Shampooing, Rouge, Ambrée, Origan, etc.

## Article 17

All the indications required under Law No. 11,275 shall be displayed in the principal inscriptions or labels affixed to containers, wrappers or crates.

## Article 18

The principal label shall be the one which is distinct from the others, on which there is generally printed the mark, with the manufacturer's or trader's name together with designs, emblems or adornments that visibly denote it as being the most important label and the one that presents the product to the public.

## Article 19

When, by reason of the dimensions, it is not possible to include in the principal labels the indications required by law, these may be given — with the exception of the term *Industria Argentina* — on an additional label, to be affixed to the container on the same side as the principal label.

## Article 20

Where the articles to be distinguished are of the same kind, the only difference being the addition of an essence which confers a distinct flavor or aroma, this fact may be indicated on an additional label. The same procedure may be used to indicate the particular class in the case of articles produced by one industrial sector, as for example in the perfumery industry, extracts, lotions, brilliantines, setting lotions, etc.

## Article 21

In the case of principal labels that have already been registered as trademarks, the indications required pursuant to this decree may be displayed in the upper margin outside the design as a whole, but still on the same label.

## Article 22

The labels and inscriptions on the containers or wrappers of Argentine products intended exclusively for export may bear the particulars in a foreign language, and likewise the relevant weights and measurements may be indicated, in addition to the decimal metric system, in any other system. Tinplate containers intended for export products must bear the term *Industria Argentina* in an indelible form, in addition to the indication on the label.

## Article 23

Subsidiaries of foreign factories at present or hereafter to be established in the country, or the firms authorized to manufacture their products, may use the same principal labels as those employed by the parent firm, so far as concerns the marks, the words employed to describe the products, and the emblems, designs and other characteristics which tend to maintain the similarity of such labels with the originals, but the wording *Industria Argentina* shall be incorporated therein in a visible manner and position. All other particulars in a foreign language shall be eliminated from the principal labels but may be shown on additional labels. The names of the towns in which the parent firms are situated may be shown on the principal labels, always provided that the Argentine locality in which the subsidiary is established is stated thereon immediately following and in the same lettering, for example: "Paris-Buenos Aires," "London-Rosario-New York," etc.

In the case of labels registered by the parent firm prior to the enactment of Law No. 11,275, the subsidiaries established in the country may make use thereof, but the words *Industria Argentina* shall be displayed on the containers, wrappers, labels or on the actual goods in a prominent and visible manner.

## Article 24

For the purposes of Article 5 of the Law, any fanciful names that are created must have some meaning or significance relative to the components, properties or qualities of the produce, goods or merchandise concerned and must be derived from dead languages or from the national language. Fanciful words composed of a particle, used as a prefix, and another used as a suffix shall be permissible, provided they are derived from the national language or from dead languages and bear some relation to the product concerned.

Likewise, fanciful names may be created that are based on first names or surnames of persons, or on a part thereof or on business styles, provided that such combinations do not result in words that have a phonetic meaning or significance in another living language.

Compositions or combinations of letters that take the place of words or are used as such, even though they may have no grammatical significance as they do not express an idea, shall be allowable as national trademarks provided they have no significance in another living language.

## Article 25

For purposes of the implementation of the provisions of Law No. 11,275 and of this Decree, the parties concerned may

submit for consideration by the Department of Commerce and Industry two identical samples of labels, containers, wrappers and advertising material relating to the products made or sold by them, together with a declaration that such items will be the only material associated with the products when the latter are offered in the trade.

In the case of products subject to inspection by the Livestock Department, the parties concerned must submit three copies of their labels, containers, wrappers and leaflets.

#### Article 26

When the containers are of large size and bear lithographed inscriptions, facsimiles may be accepted for the purpose of complying with the requirements referred to in the preceding Article. The parties concerned, however, must state the dimensions of the containers and of the inscriptions.

#### Article 27

When applying to the Department of Commerce and Industry for approval of labels, wrappers, facsimiles, etc., the parties concerned must:

- (a) explain the origin of fanciful words used as marks;
- (b) show legal proof of their authority to sign on behalf of their principals;
- (c) prove their right to use the style or trade name appearing in the labels and inscriptions, and
- (d) in the case of registered trademarks, submit the relevant title documents.

#### Article 28

The decisions of the Department of Commerce and Industry may be the subject of a request for reconsideration and further appeal addressed to the Ministry of Agriculture; such request must be made within ten days from the date of the respective notification.

#### Article 29

In the event that the Customs, the Inland Revenue Administration, the National Department of Health, the National Chemical Offices or the Municipal Chemical Office, in the exercise of their respective jurisdictions, discover articles infringing the provisions of Law No. 11,275 and its implementing regulations, they shall, in each such case, notify the Department of Commerce and Industry of the Ministry of Agriculture, for the purpose of application of those provisions.

#### Article 30

The Department of Commerce and Industry shall determine, in a general way, the form and manner in which, on each class of articles, the term *Industria Argentina* and the indication of foreign origin are to be displayed, whenever it may be necessary to establish this in a special way.

#### Article 31

The provisions of this Decree shall take effect on February 1, 1933; they may, nevertheless, be observed henceforth wherever this would be favorable to commerce and industry.

All labels, wrappers, facsimiles and leaflets shall comply with the provisions of the present regulations.

#### Article 32

The Decrees of July 8, 1924, October 25, 1926, and December 27, 1930, are hereby repealed.

#### Article 33

The present Decree, Law No. 11,275, the Decree of November 30, 1923, the orders made by the Department of Commerce and Industry in pursuance of Article 30 of this Decree and the submission forms for presenting samples, together with the instructions for filing applications for the approval of labels, shall be printed in a special booklet.

#### Article 34

This Decree shall be communicated, published and recorded in the National Register.

### III

## Industrial Designs Law

(Decree-Law No. 6,673/63 of August 9, 1963, ratified by Law No. 16,478, promulgated by Decree No. 7,578/64 of September 29, 1964)

#### Article 1

The author of an industrial design and his lawful successors shall be entitled to a right of property therein and the exclusive right to make use thereof, to transfer and to register it, for the period and subject to the provisions of this Decree.

Industrial designs created by persons who are in the employ of others shall belong to their authors, who shall be entitled to the exclusive right to exploit it, unless the author has been especially engaged for the purpose of their creation or has merely carried out orders from the persons for whom he works. If the design is the joint work of the employer and the employee, it shall belong to both, unless otherwise agreed.

Where two or more persons have jointly created an industrial design, all of them shall have the exclusive right to make use of it, as well as the right to register the work that they created in the names of all of them; in such cases relations between the co-authors shall be governed by the provisions relating to joint ownership.

The author of an industrial design and his lawful successors shall have the right to legal action to recover the title to a registration fraudulently effected by anyone who was not its author.

#### Article 2

The right conferred by the preceding Article shall apply to authors of industrial designs created abroad and to their lawful successors, provided that their respective countries grant reciprocity in respect of the rights of Argentine authors or authors residing in Argentina.

#### Article 3

For the purposes of this Decree, the shapes or the appearance incorporated in or applied to an industrial product and which give it an ornamental character shall be regarded as industrial designs.



## Article 4

In order to enjoy the rights arising under this Decree, the author shall register the design created by him in the Register of Industrial Designs which will be kept for this purpose by the Secretariat of State of Industry and Mining (National Department of Industrial Property).

## Article 5

It shall be presumed, unless proved otherwise, that whoever has first registered an industrial design is the author thereof.

## Article 6

The following shall not enjoy the benefits granted by this Decree:

- (a) industrial designs which have been published or publicly worked, either in this country or abroad, prior to the date of filing, excepting those referred to in Article 14 of this Decree. Nevertheless, the fact that the authors, themselves or through others authorized to do so, have exhibited the design created by them in exhibitions or fairs held in Argentina or abroad, shall not exclude them from such benefits, provided that the respective application is made within a period of six months from the inauguration of the exhibition or fair;
- (b) industrial designs which do not have a different shape or a novel appearance of their own, as compared to prior industrial designs;
- (c) industrial designs the elements of which are necessary to the function which the product is intended to perform;
- (d) the mere change in the color of known designs;
- (e) when they are contrary to morality and to the rules of proper conduct.

## Article 7

The protection granted by this Decree shall have a duration of five years, as from the filing date, and may be extended for two consecutive periods of the same length, at the owner's request.

## Article 8

The registration of an industrial design, and likewise the extensions mentioned in the preceding Article and the issuance of certified copies or certificates, shall be subject to payment of the taxes and fees fixed in the regulations to be issued under this Decree. Such taxes shall be fixed by the Secretariat of State of Industry and Mining and paid into a special account "National Department of Industrial Property — services rendered on application."

## Article 9

A single registration may cover up to fifty different examples of a single design, provided that they are all homogeneous.

## Article 10

The application for registration shall be submitted to the National Department of Industrial Property in accordance with the provisions of the respective regulations, and must contain:

- (1) an application, together with a receipt for the fee provided for in Article 8;
- (2) drawings of the model or design;
- (3) a description thereof;
- (4) a special authorization, simply signed by the applicant and not authenticated, appointing an agent in the event that the interested party does not apply in person.

## Article 11

The application for renewal of the registration provided for in Article 7 shall be filed not later than six months before the expiration of the current term of protection. Such application shall be accompanied by the same items as were required for the initial application.

## Article 12

The application for registration may not be rejected except for failure to meet the formal requirements set forth in Article 10 and related provisions of the present Decree and regulations thereunder. In the event that an application for registration is refused, an appeal may be made to the National Department of Industrial Property or to the Federal Courts, the choice of one such procedure excluding the other.

## Article 13

The Register shall be kept by the National Department of Industrial Property being an agency of the Secretariat of State of Industry and Mining and the certificates showing the date of filing and name of registrant and including copies of the drawings and specifications as filed shall be issued by the public official or officials designated by the regulations. Other formalities relating to the certificate and the registration procedure shall also be set forth in the regulations.

## Article 14

Industrial designs deposited or patented abroad may be deposited in the registry and enjoy the same benefits as are accorded by this Decree to those registered locally, provided that they are deposited within a period not exceeding six months from the filing date in the country of origin.

In such cases, the duration of the exclusive right may not exceed that of the original patent or deposit. No exclusive rights may be claimed in foreign designs which have been used industrially in the Argentine Republic by a third party before the application for registration was made in the country of origin.

## Article 15

The proprietor of a design registration may assign it in whole or part, subject to such conditions as he may see fit. The assignee, successor or heir thereto may not exercise rights arising from the registration until such time as the assignment has been recorded at the National Department of Industrial Property.

If the assignee fails to notify the assignor when Court action is brought against a registration to enable him to take part in the proceedings as a co-party thereto, the assignor shall be under no obligation to refund the price of the assignment.

## Article 16

Registrations of designs, as well as the renewal, transfer and cancellation thereof, shall be made public in the manner and at the time to be determined by the regulations.

## Article 17

The registration of an industrial design shall be cancelled if it was effected by a party other than the author or contrary to the provisions of this Decree, but such cancellation may only be effected by virtue of a final judgment of the Federal Courts, at the petition of an interested party, regardless of whether or not such party holds a prior registration of a design.

## Article 18

The right of action for cancellation of a registration, provided for in Article 17 and that for recovery arising under the last paragraph of Article 1 shall become statute-barred five (5) years from the date of filing in the Register of Industrial Designs.

## Article 19

The owner of a design registration shall have the right of legal action against anyone who, without authority, industrially or commercially makes use of a registered design or imitations thereof, whether with respect to the same product or different ones. Such action may be instituted in the Federal Courts in civil matters for the purpose of recovering damages and obtaining an order restraining such use, or else in penal proceedings if the imposition of the penalties prescribed herein is also sought.

## Article 20

Any person who, whether in good or ill-faith, has infringed the rights granted in respect of a registered design shall be obliged to compensate the owner of the registration for the damages that he may have sustained, and also in the event of ill-faith, to restore to him any benefits resulting therefrom.

## Article 21

The following shall be punished with a fine of from 3,000 to 100,000 pesos:

- (1) those who manufacture or cause to be manufactured industrial products having the characteristics protected by a design registration or copies thereof;
- (2) those who, in the knowledge that they are committing an unlawful act, sell, put up for sale, exhibit, import, export, or in any other way trade in the products referred to in the preceding paragraph;
- (3) those who, with ill intent, hold the said products or withhold information as to the manufacturers thereof;
- (4) those who, with ill intent, claim to have registered a design, without holding such registration;
- (5) those who sell as their own drawings of designs covered by a registration belonging to a third party.

In the event of recidivism, the penalties shall be double those prescribed in this Article.

## Article 22

Articles or parts of articles which involve industrial designs held to be infringements shall be destroyed, even where the destruction of the design involves destroying the products themselves, unless the registered owner of the design agrees to accept them, at cost value, on account of the damages and restoration of benefits due to him.

The destruction and seizure shall not affect goods already delivered by the infringer to bona fide purchasers.

## Article 23

Actions seeking the imposition of the penalties provided herein shall be private.

Applications, whether criminal or civil, shall not be heard unless accompanied by the Certificate of Registration concerned.

## Article 24

As the sole preliminary step towards the commencement of the civil or penal proceedings authorized hereby and in order to prove the unlawful act, the owner of a registered design who is aware that, in a business house or factory or any other place, articles of a design infringing his registration are in industrial or commercial use, may apply to the Judge, giving adequate security and submitting the certificate from the Registry, for an Officer of the Court to be appointed to go to such place and seize a sample of the infringing products, taking a detailed inventory of the stocks thereof. The corresponding order shall be issued within 24 hours of the application therefor.

When the person found in possession of the goods is not the producer thereof, he shall be bound to give the owner of the design an explanation as to its origin, so as to enable him to prosecute the manufacturer. In the event that such explanation is refused or is found to be false or incorrect, the person found in possession of the goods may not plead good faith.

## Article 25

Both in civil actions to restrain use and in criminal actions, the plaintiff, by separate motion, may demand a security from the defendant, so as not to interrupt him in the use of the design alleged to be an infringement should the latter wish to continue using it and, in the absence of security, he may request suspension of such use, and the attachment of all of the allegedly infringing objects in the defendant's possession, giving adequate security on request. The securities shall be real and be fixed by the Judge taking into account the interests at stake.

## Article 26

The amount of the fines levied pursuant to this Law shall be deposited in the special account "National Department of Industrial Property — Services Rendered on Application" as a contribution towards its functioning.

## Article 27

Actions seeking the imposition of the penalties prescribed by Articles 21 and 22 shall become statute-barred two years from the date on which the offence was last committed.

## Article 28

If an industrial design registered in accordance with the present Decree has also been the subject of a registration under Law No. 11,723, the author may not invoke both simultaneously in legal defence of his rights.

If, by error, a patent is applied for to cover an industrial design and the application is objected to on this ground by the National Department of Industrial Property, the interested party may convert the application into one for a design registration.

## Article 29

The present Decree shall come into force thirty days after the Regulations have been issued, but not less than six months from the signature hereof.

## Article 30

This Decree shall be countersigned by the Ministers for Economy, Education and Justice, National Defense and the Interior, and shall be signed by the Secretaries of State for Finance and the Minister for Industry and Mines.

## Article 31

This Decree shall be communicated, published, and transmitted to the Department of the Official Gazette and publications, and filed in the archives.

## IV

### Implementing Regulations for the Industrial Designs Law

(Decree No. 5,682/65 of July 20, 1965)

Having regard to file No. 300,010/65, presented by the National Department of Industrial Property, and

*Considering:*

That it is necessary to establish regulations for the registration of industrial designs, in conformity with Decree-Law No. 6,673 of August 9, 1963, as ratified by Law No. 16,478;

Accordingly, and in pursuance of a proposal by the Secretary of State for Industry and Mines,

The President of the Argentine Nation

*Hereby decrees as follows:*

## Article 1

Application for the registration of industrial designs shall be made to the National Department of Industrial Property.

The National Department of Industrial Property shall organize, under its authority, the Register of Industrial Designs.

## Article 2

The application shall be drawn up in Spanish, and shall be in accordance with the usual practice for public documents. It shall comprise:

- (a) the applicant's name, surname and particulars as to his identity, if he is a natural person; if the applicant is a firm or corporation, the application shall mention its name or style and also the particulars concerning its legal status;

- (b) domicile and address for service;
- (c) a sworn declaration by the applicant to the effect that he is the author of the design, or the successor or heir to the rights therein;
- (d) an indication as to the nature of the product into which the design may be incorporated, or to which it may be applied;
- (e) persons acting under a general power of attorney or as legal representatives shall comply with the requirement set forth in Regulation No. 4/56 of the National Department for Industrial Property, unless the situation set forth in section 6 thereof is applicable, in which case they shall submit a complete certified copy in due form or an excerpt of the relevant part thereof, authenticated by a Notary Public, showing their authority to act, and shall also declare on oath that such power is still in force.

## Article 3

The application shall also be accompanied by:

- (a) proof that the sums specified in Article 23, paragraphs (a) and (g) of this Decree have been paid;
- (b) a certified copy or certificate from the country of origin, if a design deposited or registered abroad is involved, showing the date and number of the deposit or registration, and the duration thereof. Such documentation shall be translated into Spanish by a national public translator registered with the National Department of Industrial Property; for purposes of registration, the said documents need not be authenticated so long as they are certificates originating in the country where the foreign registration was effected;
- (c) a set of drawings, the original of which must be on smooth bristol board; a copy on tracing cloth and two copies on photosensitive paper, on a white background;
- (d) a concise description of the component parts of the design, serving to complete the information provided by the drawings in the original and with three copies;
- (e) a printing block reproducing each sheet of drawings submitted and ten facsimile copies of them;
- (f) the instrument showing that the attorney is empowered to act, when such power is special and not of the type referred to in paragraph (e) of the preceding Article.

## Article 4

The application, drawings and printing block referred to in the two preceding Articles shall meet such specifications and other formal requirements as the National Department of Industrial Property may establish for the submission thereof.

## Article 5

No application shall be accepted which is not accompanied by the drawing of the design, printing block and the corresponding description.

## Article 6

Applications for registration of industrial designs shall follow the procedure set forth in Articles 7, 8 and 9 of the

present Decree, following the system of priority filing established by Article 5 of the Law under which these regulations are issued. Once the procedure has been completed, the application shall be registered in the books kept for the purpose under the signature of the Registrar of Industrial Designs, and the certificate shall be issued in accordance with Article 10, and the publication as prescribed by Articles 11 and 12 shall be effected.

#### Article 7

The application shall result in the opening of a file, on the title page of which shall appear the filing number and the date and hour at which the application was received, proof thereof being furnished to the interested party.

Applications shall be entered, in the order of their filing and in strict numerical order, in a register of filings which shall contain the same particulars as are mentioned above.

#### Article 8

The registrations of industrial designs shall be made in a double entry: numerically, giving the number under which the respective applications were filed, and according to the object thereof. For the latter purpose, they shall be classified in accordance with the classification to be established by the National Department of Industrial Property.

Registration, in each class, shall be effected in the same order as in the numerical register.

The register shall be kept in duplicate, one of the copies being available to the public.

#### Article 9

Once registration has been effected, one of the copies on photosensitive paper and one of the descriptions referred to in Article 3 shall be used in order to make up a file bearing, on the cover thereof, the name of the owner of the registration and the date, duration, number and class of the registration, in order that it may be available for inspection by the public.

#### Article 10

Proof of registration shall be furnished in the form of a certificate which shall state the registration number, the date and hour at which it was deposited, the duration of the registration and the name and address of the registrant, and which shall be signed by the Head of the Department in charge of the Register of Industrial Designs, or his natural substitute. Should either of these be absent or temporarily unable to act, it shall be signed by the officials designated by the National Director of Industrial Property.

To the certificate there shall be attached the drawing on tracing cloth and one of the descriptions of the design.

#### Article 11

Once an industrial design has been registered, there shall be published, at the expense of the interested party, and in accordance with the provisions of Article 3, paragraph (e), a reproduction of the drawings of the model or design, the name of the registrant, the number and date of the registration and the expiration date thereof.

Voluntary cancellation of the registration, and cancellation thereof by order of the Courts, shall be published without charge.

#### Article 12

All of such publications shall be effected for a period of one day in a section to be created for the purpose in the Gazette published by the National Department of Industrial Property pursuant to Decree No. 10,261/61.

#### Article 13

At the request of any interested party, photographic copies or authenticated copies may be issued of the documents contained in the file referred to in Article 9, subject to payment of a fee which shall be fixed by the Secretariat of State for Industry and Mines on the proposal of the National Department of Industrial Property.

#### Article 14

An application for renewal of a registration must comply with the same formalities as are set forth in Article 2, excepting insofar as paragraph (c) is concerned.

#### Article 15

The renewal application shall be accompanied by:

- (a) proof that the amounts fixed in Article 23, paragraphs (b) or (c) and (h) have been paid;
- (b) the document required by paragraph (f) of Article 3;
- (c) the certificate of registration, renewal of which is sought, for endorsement of the renewal thereof.

#### Article 16

Renewal shall be recorded in the respective register and in the certificate submitted by the interested party, specifying the degree of renewal.

#### Article 17

When the registration of an industrial design is renewed, this shall be published at the expense of the interested party, indicating the date of publication of the original registration.

#### Article 18

Applications for renewal which are filed more than nine months before the date of expiration of the relevant registration shall not be dealt with.

#### Article 19

Any application for assignment shall be accompanied by:

- (a) a document evidencing the assignment, unless such assignment is incorporated in the application document itself;
- (b) evidence of payment of the amounts fixed by Article 23, paragraphs (d) or (e) and (h);
- (c) the certificate of registration;
- (d) a document showing that the person acting on behalf of a third party is empowered to act, unless the exception provided for in Article 2, paragraph (e) is applicable.

## Article 20

The assignment shall be published, at the expense of the interested party, and recorded in the respective register and in the certificate submitted by the interested party.

## Article 21

The appeal referred to in Article 12 of the Decree-Law under which these regulations are issued shall be lodged within the terms established by Law 50, and the provisions of the said Law shall be fulfilled insofar as the prosecution of the appeal is concerned.

## Article 22

The right to apply for the conversion referred to in Article 28 of the Law under which these regulations are issued shall be exercised within 30 working days from the date of notification of the objection raised to the application for a patent, in order not to lose the priority right arising from the filing date of the latter.

The application for conversion must fulfil all the requirements stipulated for applications for new registrations and be entered in the numerical order provided for in Article 7.

The right to apply for conversion may only be exercised with respect to applications for a patent filed subsequent to the entry into force of the present Decree.

## Article 23

For the procedure relating to applications referred to herein, the following service fees shall be charged:

- (a) original registration . . . . . \$ 500.00
- (b) first renewal . . . . . \$ 1,000.00
- (c) second renewal . . . . . \$ 1,500.00
- (d) transfer of registration, inter vivos, other than as the result of the transfer of the business or the transformation of the nature of the company, or the transfer of the assets and liabilities of the assignor's business . . . . \$ 1,000.00
- (e) assignment resulting from acts mentioned as exceptions in the preceding paragraph, or by will; also for the recording of a change of name or company name by the owner of the registration . . . . . \$ 300.00
- (f) issuance of a certified copy of records or of the certificate, other than the original . . . \$ 250.00  
plus for each additional sheet . . . . \$ 50.00
- (g) publication of an original registration:  
per cm. per column . . . . . \$ 100.00  
minimum . . . . . \$ 300.00
- (h) publication of the renewal or assignment of a registration:  
per cm. per column . . . . . \$ 100.00  
minimum . . . . . \$ 300.00

## Article 24

The Secretariat of State for Industry and Mines shall be authorized to modify these amounts annually, after the present Decree has been in force for one year.

## Article 25

The sums collected and the disbursements resulting from the enforcement of the Law under which these regulations are issued shall be credited or debited, as the case may be, to the "Special Account of the National Department of Industrial Property — Service fees" opened under the jurisdiction of the Secretariat of State for Industry and Mines, which shall be adapted to the purpose.

## Article 26

The Secretariat of State for Industry and Mines may, at the proposal of the National Department of Industrial Property, issue rules of a purely procedural nature, in connection with the applications to be filed pursuant to the Law under which the present regulations are issued.

## Article 27

The present Decree shall be endorsed by the Minister Secretary of State for Economy and signed by the Secretaries of State for Industry, Mines and Finance.

## Article 28

This Decree shall be communicated, published, transmitted to the Department of the Official Gazette and Publications, and filed in the archives.

## The Nordic Decrees

### on Patent Applications (Regulations)<sup>1</sup>

#### Issued

in Denmark on December 20, 1967 (Decree of the Ministry of Commerce (No. 481));  
in Finland on January 4, 1968 (No. 4);  
in Norway on December 15, 1967;  
in Sweden on December 1, 1967 (No. 838).

#### Filing and Recording of Patent Applications

##### Section 1

Applications for patents shall be filed with the Patent Office<sup>2</sup>.

##### Section 2

An application for a patent shall comprise an application document (request) with appendices.

The application document shall be signed by the applicant or his agent and shall indicate:

1. the applicant's name, domicile and address and, if the applicant is represented by an agent, the name, domicile and address of the agent;

<sup>1</sup> This text, kindly provided by the Swedish Patent Office, is set out in the same way as the Nordic Patent Laws published in *Industrial Property*, 1968, pp. 172 *et seq.* Thus, where the provisions in the four countries are substantially the same, it is the Swedish text that is given, and the other texts should be read *mutatis mutandis*.

<sup>2</sup> The Patent Office is in Denmark: *Direktoratet for patent- og varemærkevaesenet*, Copenhagen; in Finland: *Patentti- ja rekisterihallitus*, Helsinki; in Norway: *Styret for det industrielle rettsvern*, Oslo; in Sweden: *Patent- och Registreringsverket*, Stockholm.

2. the inventor's name and address;
3. a brief and factual title of the invention applied for;
4. whether the patent is sought for Sweden only or, with respect to a Nordic patent application, which countries are to be covered by the application;
5. where a patent is applied for by several persons jointly, whether one of them is appointed to receive communications from the Patent Office on behalf of all the applicants;
6. the documents appended to the application document.

The documents appended to the application document shall include:

- (a) a description of the invention, which shall include a drawing if required for purposes of explaining the invention, and claims;
- (b) a power of attorney if the applicant is represented by an agent;
- (c) a deed certifying the applicant's title if the invention was made by a person other than the applicant.

The application fee prescribed in Section 49 shall accompany the application.

### Section 3 (SWEDEN, DENMARK and NORWAY)

The description and claims shall be in the Swedish<sup>3</sup> language. Other documents may be in the Swedish, Danish or Norwegian languages.

If a document is filed in a language other than those prescribed in the first paragraph, a translation shall be filed. If, however, the document concerned is not a description or claims, the Patent Office may abstain from requesting a translation or may accept a translation into a language other than the Swedish, Danish or Norwegian languages.

### (DENMARK and NORWAY)

The Patent Office may request that the translation be certified by a sworn translator or in such other manner that the Patent Office approves.

### Section 3 (FINLAND)

The description and claims shall be in Finnish or Swedish according to the provisions of the law on languages in force. If the claims are in only one of the native languages, the Patent Office shall provide for the translation of the claims into the other language before the application becomes available to the public pursuant to Section 22, second paragraph, of the Patent Law. In the case of a foreign applicant, the description shall be in Finnish and the claims in both Finnish and Swedish. However, anyone shall be entitled to write the description and the claims in both Finnish and Swedish.

Where a Nordic patent application is filed in Finland, the description of the invention and the claims shall be in both Finnish and Swedish. If a Finnish applicant has presented the description and claims only in Finnish or only in Swedish, the Patent Office shall provide for their translation into the other language.

<sup>3</sup> Substitute "Danish" and "Norwegian" in the texts for Denmark and Norway respectively.

The applicant shall pay the prescribed fee for the translation provided by the Patent Office.

Other documents may, in addition to being in the Finnish or Swedish languages according to the provisions of the law on languages in force, also be in the Danish or Norwegian languages. If a document is filed in a language other than those stated above, a translation shall be filed. If, however, the document concerned is not a description or claims, the Patent Office may abstain from requesting a translation or may accept a translation into a language other than those here stated.

### Section 4

The description and claims shall be in black type or print on white paper, size A4 (21 × 29.7 cm).

Drawings shall be made in dark, preferably black lines, on a light, preferably white, background on durable material, size A4 (21 × 29.7 cm).

Before the application is accepted for public inspection, the description and claims shall be presented in a form suitable for printing.

More detailed rules on document form and on the number of copies to be filed by the applicant shall be given by the Patent Office.

### Section 5

The Patent Office shall mark the patent application with the date on which it was received by the Patent Office.

### Section 6

The Patent Office shall keep a Register of patent applications filed. The Register shall be accessible to the public.

In the Register, the following items shall be indicated for each application:

1. the serial number of the application and its patent classification;
2. the examining section to which the application is assigned;
3. the applicant's name, domicile and address;
4. where the applicant is represented by an agent, the name, domicile and address of the agent;
5. the inventor's name and address;
6. the title of the invention;
7. the filing date of the application;
8. whether the application is considered, pursuant to Section 14 of the Patent Law, to have been filed on a date other than the filing date (postdating);
9. if priority has been claimed, a statement as to where the basic application was filed, the filing date of the said application, and its serial number;
10. if the application is the result of division or separation, the serial number and filing date of the parent application as well as the effective date of the parent application if this is not identical with the filing date;
11. if the application has been converted from a Nordic patent application for this country, an indication of the country in which the Nordic application was filed, the serial number, filing date and effective date of the said application, and the date of the conversion;

12. if the application is a Nordic patent application, the countries covered by the application;
13. documents received and fees paid in respect of the application;
14. actions and decisions given in respect of the application;
15. deferment rendered in view of the potential anticipatory effect of the contents of a prior patent application in this country not yet made available to the public (interference); a corresponding note shall be made on the page allotted to the prior application.

#### Section 7

The Patent Office shall prepare a weekly list of patent applications filed. The list shall contain, for each application, the items listed in Section 6, third paragraph, under 1, 3, 5, 6, 7, 9, 11 and 12.

Anyone may obtain a printed copy of the list against payment of the prescribed fee.

#### Section 8 (SWEDEN and FINLAND)

If it is reported that an invention for which a patent is being sought has been transferred to another person, the latter may not be recorded as applicant in the Register until the transfer has been substantiated.

#### Section 8 (DENMARK)

Signatures to declarations drawn up in Denmark in respect of assignments, licenses, and surrenders of patents, shall be certified by a notary, a lawyer, or two witnesses whose occupations and addresses shall be stated. Where the document is drawn up abroad, the authenticity of the signatures shall be certified by a Danish Consul or by the public authority concerned. Signatures to documents drawn up in Finland, Norway, or Sweden may, however, be certified by a lawyer domiciled in the country in question or by two witnesses. Certification of signatures may also be required in the case of other documents if deemed necessary by the Patent Office.

#### Section 8 (NORWAY)

Signatures to declarations drawn up in Norway in respect of assignments, licenses, and surrenders of patents shall be certified by a notary, county constable, authorized deputy county constable, public mediator, lawyer, authorized lawyer's assistant or by two witnesses. Where the document is drawn up abroad, the authenticity of the signatures shall be certified by the Norwegian Embassy, Legation or Consulate or by the foreign public authority empowered to issue such certification. For documents drawn up in Denmark, Finland or Sweden, certification by a lawyer resident in the country concerned shall also be accepted. Certification of signatures may also be required in the case of other documents if deemed necessary by the Patent Office.

#### Priority

#### Section 9

If an invention has been described in an application for a patent, for an inventor's certificate, or for a utility model,

in a foreign country party to the Paris Convention of March 20, 1883, for the Protection of Industrial Property, and if a patent for the said invention is applied for in this country within twelve months of the filing date, the application filed here shall, as regards Section 2, first and second paragraphs, and Section 4 of the Patent Law, be deemed to have been filed at the same time as the application in the foreign country. This shall also apply where the invention has been described in an application filed abroad that the Patent Office decides, for particular reasons, to treat as equivalent to an application in a Convention country.

In order to enjoy priority pursuant to the first paragraph, the applicant shall claim priority in writing within three months of the date of filing the application in this country, stating where and when the application referred to was filed and, as soon as possible, its serial number.

#### Section 10

The Patent Office may request the applicant to prove his right to the priority claimed by filing a certificate, executed by the authority which received the application from which priority is claimed and stating the filing date of the basic application and the applicant's name, and a copy of the description of the basic application together with drawings and claims, if any, certified by the same authority.

If the request mentioned in the first paragraph is not complied with, the priority shall be denied<sup>4</sup>.

#### Section 11

Priority may only be based on the first application in which the invention was described.

If the person who filed the first application or his successor in title has filed a subsequent application with the same authority and relating to the same invention, the subsequent application may be referred to as the basis for priority provided that, at the time of the filing thereof, the previous application had been withdrawn, dismissed as abandoned, or rejected, without having been made available to the public and without leaving any rights outstanding, and had not served as a basis for claiming a right of priority. The previous application may not thereafter serve as a basis for claiming a right of priority.

The preceding paragraph shall apply correspondingly to a patent application the filing of which has been postdated from a previous filing.

#### Section 12

Priority may be enjoyed also in parts of an application.

In the same application, priority may be claimed on the basis of several applications, even filed in different countries.

#### Claims and Description

#### Section 13

The claims shall contain:

1. the title of the invention, from which the category to which the invention belongs shall appear;

<sup>4</sup> Specifically stated in the Swedish and Finnish texts only.



2. a statement indicating the art in relation to which the invention contributes something novel (prior art), if such statement is necessary;
3. a statement indicating the features of the invention which are novel and characteristic.

Each claim may relate to one invention, only.

If possible, the invention shall pertain to one of the following categories: product, process, or use.

A claim may not contain anything that is irrelevant to the invention referred to therein or irrelevant to the exclusive right claimed by the applicant.

#### Section 14

A patent application may contain several claims if they are related to one another in the manner set forth in Section 15. If several claims are contained in one application they shall be arranged and numbered consecutively.

The first claim is the main claim. The subsequent claims shall contain references to one or more preceding claims in such a way as to indicate the relation between the inventions to which the claims relate.

If an invention is of such a character that it cannot suitably be defined in a single main claim, the Patent Office may allow the invention to be defined in more than one main claim.

#### Section 15

A claim may relate to a special embodiment of an invention according to a preceding claim or claims.

Further, it shall be permissible to include in one and the same application

1. in addition to a main claim relating to a product, claims relating to:
  - (a) a single means invented for making the product,
  - (b) a single process invented for making the product;
2. in addition to a main claim relating to a process, claims relating to a single means invented for carrying out the said process.

#### Section 16

The description shall be sufficiently clear to enable a person skilled in the art to work the invention. The description may only contain matter that will contribute to an explanation of the invention. If a newly coined term or a term not generally accepted otherwise is used, it shall be explained. Designations or measures may not deviate from what is commonly used in the Nordic countries.

### Amendments of Patent Applications

#### Section 17

Claims may not be amended to contain matter not contained in a document which is a basic document pursuant to Section 19 or 22. If claims are amended in such a way that matter is added, the applicant shall simultaneously state where the added matter has its counterpart in the basic documents.

Claims which are filed after the Patent Office has issued a novelty search report may in no case relate to an invention which is independent of an invention contained in the claims previously filed.

The applicant shall only be allowed to make amendments or additions to the description and drawing if this is required in view of Section 9 of the Patent Law. Such amendments or additions may not make a claim appear to comprise matter other than that which has a counterpart in the basic documents.

#### Section 18

Unless the Patent Office allows another presentation, amendments or additions to claims shall be made by the filing of a new document comprising all of the claims in sequence.

#### Section 19

For the purposes of this Decree, the basic document is defined as being the description, with accompanying drawings, and claims in Swedish, Danish, or Norwegian<sup>5</sup> which were present when the application was filed. If such a document did not accompany the application as filed, the first description and claims subsequently filed in Swedish<sup>6</sup> shall be regarded as the basic document in so far as its contents have a clear counterpart in the documents which accompanied the application as filed.

If, when a patent application is filed, it is stated that an application for the protection of the invention has been filed with a patent authority abroad, a certified copy, subsequently filed, of the foreign application shall be considered to have been filed with the Patent Office simultaneously with the filing of the application there, provided that at the time of the filing of the application the date and number of the foreign application were given.

### Division and Separation

#### Section 20

If several inventions are described in the basic document, the applicant may divide the application into several applications. In that case, a new application relating to an invention extracted from the original application (parent application) shall, at the applicant's request, be considered to have been filed simultaneously with the parent application. When an application is divided, the new application may only relate to such matter as, pursuant to Section 19, second paragraph, of the Patent Law, could have been made the subject matter of a claim of the parent application at the time when the new application was received by the Patent Office.

If division is made by reason of the fact that the parent application relates to two or more independent inventions, a new application may be considered to have been filed simultaneously with the parent application only if the new application is filed not later than four months after the corresponding restriction was made in the parent application.

#### Section 21

If, as a result of an addition to the description or claims, or in another way, a patent application has been caused to

<sup>5</sup> In the text for Finland, add "Finnish."

<sup>6</sup> Substitute "Danish" and "Norwegian" in the text for Denmark and Norway respectively. In the text for Finland, read: "Finnish or Swedish."



disclose an invention not disclosed in the basic document, a new application relating to this invention filed by separation from the original application (parent application) may, at the applicant's request, be considered to have been filed on the date when the document disclosing the invention was received by the Patent Office.

Separation may only be made if the provisions of Section 19, second paragraph, of the Patent Law are observed and provided that protection is claimed in the new application only for such matter as was disclosed in the documents of the parent application in the form in which they existed at the time when the new document was added.

#### Section 22

In the case of division or separation, the description, including drawings, and claims filed simultaneously with the application document in the new application shall be regarded as the basic document defined in Section 19.

### Patents of Addition

#### Section 23

Patents of addition may only be granted for developments of an invention for which the applicant holds a patent. Such a development can only be considered to exist if the inventions in question are interrelated in such a way that they could have been included in one and the same application pursuant to Section 10 of the Patent Law.

The serial number of the main application shall be stated in the application for a patent of addition.

#### Section 24

A patent of addition may not be appended to more than one patent.

#### Section 25

If, before his application for a patent for an invention became available to the public pursuant to Section 22 of the Patent Law, any person has filed an application for an independent patent for a development of the invention, he shall be allowed to convert the latter application into an application for a patent of addition.

An application for a patent of addition may be converted into an application for an independent patent.

An application for a patent of addition shall be laid open for public inspection only after the main patent has been granted.

### Conversion of a Nordic Patent Application into an Application for this Country Only

#### Section 26

A request pursuant to Section 36 of the Patent Law to prosecute a Nordic patent application made in another country as a separate patent application for this country shall be filed with the Patent Office. Such a request shall be accompanied by application documents pursuant to Section 2 as well as by a copy of the basic documents of the Nordic application certified by the patent authority in question. An application fee pursuant to Section 49 shall also be paid.

### General Availability of the Application

#### Section 27

If the documents of a patent application become available to the public pursuant to Section 22, second or third paragraph, of the Patent Law prior to being laid open for public inspection, the description, including drawings, and the claims shall be printed in the form in which they exist in the basic document. Any person may obtain such a printed copy against payment of the prescribed fee.

The advertisement pursuant to Section 22, fourth paragraph, of the Patent Law shall state the serial number and classification of the application, its filing date, the changed effective date, if such has been claimed, the title of the invention, and the name and address of the applicant and the inventor. If priority has been claimed, the advertisement shall also state where the basic application was filed, the filing date of the said application, and its serial number.

### Examination of the Patent Application

#### Section 28

In examining whether the conditions laid down in Section 2 of the Patent Law for the grant of a patent are fulfilled, the Patent Office shall consider everything that comes to its attention.

The novelty search shall be made on the basis of patent specifications and published patent applications from Denmark, Sweden, Finland, Norway, Germany, Great Britain, France, and the United States of America, or on the basis of abridgments thereof, as well as on the basis of such applications for patents in this country as have been made available to the public. The novelty search shall, in addition, be made on the basis of other available literature when deemed necessary.

In connection with the novelty search, it shall also be investigated whether grant of a patent is prevented owing to interference.

The Patent Office may lay down more specific rules regarding the novelty search. Where special circumstances so require, such rules may differ from what is laid down in the second and third paragraphs of this Section.

#### Section 29

If required in the examination of a patent application, the Patent Office may consult experts who are not in the service of the Patent Office.

#### Section 30

The Patent Office may request an applicant to submit a model, sample or the like, or to carry out investigations or experiments if this is required for the examination of the invention in respect of which a patent is applied for.

#### Section 31

In case of interference between patent applications, the Patent Office shall be entitled to defer the examination of the more recent application until the older application has been decided upon or has become available to the public.

pursuant to Section 22 of the Patent Law, or until the interference has been eliminated as a result of an amendment made in either of the applications.

### Section 32

Any person who applies for a patent in this country in respect of an invention concerning which he has previously applied for a patent abroad before a patent authority examining patent applications as to novelty shall be obliged to report what that authority has communicated to him concerning the examination as to the patentability of the invention. The Patent Office shall be entitled to request him to file a certified copy of such action or a declaration to the effect that no information has been received regarding the examination of the previous application.

If patent applications are examined by a patent authority outside this country pursuant to a decree under the Patent Law, the Patent Office, after having concluded an agreement with the said patent authority to exchange examination results and the like, may defer the examination of a patent application corresponding to an application filed previously with the said foreign patent authority until the latter application has been examined to the extent decided in the agreement.

The Patent Office shall be authorized to hand over documents concerning patent applications which are not public to patent authorities with which agreements have been concluded in accordance with the preceding paragraph, provided that the patent authorities in question have undertaken not to make such documents available to the public.

### Section 33

Rules regarding time limits and extensions of time limits shall be given by the Patent Office. Postponement of the laying open of an application for public inspection may only be granted, however, if the application was accepted for public inspection before it became available to the public under Section 22 of the Patent Law. In such a case, the laying open for public inspection may be deferred at the applicant's request until the application becomes available to the public pursuant to the said Section.

### Laying the Patent Application Open for Public Inspection

#### Section 34

Publication of the description, including drawings, and the claims pursuant to Section 21 of the Patent Law (*Utläggningsskrift*) shall be effected through the agency of the Patent Office, and shall begin as soon as possible after the application has been accepted. The said publication shall state the date on which it is effected and shall indicate:

1. the serial number of the application and its classification;
2. the applicant's name, domicile, and address;
3. if the applicant is represented by an agent, the name of the agent;
4. the inventor's name and address;
5. the filing date of the application;
6. the priority claimed and the country in which the basic application was filed, the filing date of the said applica-

tion and its serial number and, if the priority has been certified, a statement to that effect;

7. if the application is a Nordic patent application, the countries covered by the application and the country in which the application is being prosecuted;
8. cited publications;
9. if the application is an application for a patent of addition, the serial number of the main patent.

In the case of Nordic patent applications, publication (*Utläggningsskrift*) shall be effected in a common series together with corresponding publication in the other Nordic countries. In the case of applications for patents for this country only, such publication shall be effected in a separate series.

In the case of Nordic patent applications which also cover Finland, such publication shall additionally be effected in the Finnish language<sup>7</sup>.

### Section 35

Advertisements concerning applications laid open for public inspection under Sections 21 and 33 of the Patent Law shall indicate:

1. the serial number of the application and its classification;
2. the applicant's name, domicile, and address;
3. if the applicant is represented by an agent, the name of the agent;
4. the inventor's name and address;
5. the filing date of the application;
6. the priority claimed and the country in which the basic application was filed, the filing date of the said application and its serial number;
7. if the application is a Nordic patent application, the countries covered by the application and the country in which the application is being prosecuted;
8. the title of the invention;
9. if the application is an application for a patent of addition, the serial number of the main patent.

### Section 36

A Nordic patent application filed in another country shall be laid open for public inspection in this country by making the printed copy available at the Patent Office.

### Section 37

Opposition filed against patent applications and subsequent statements by applicants and opponents shall be filed in a number of copies to be prescribed by the Patent Office.

When opposition is entered, the grounds for the opposition shall be given.

### Section 38

If an opponent is represented by an agent, a power of attorney for the agent shall be filed.

### Section 39

Copies of all letters from the opponent shall be sent to the applicant. If the applicant files an answer to the opposi-

<sup>7</sup> In the text for Finland the last paragraph reads: "In the case of Nordic patent applications, such publication shall be effected in the Finnish and Swedish languages."

tion, the Patent Office shall decide whether further pleadings between the parties are needed.

#### Section 40

If, during the examination of the patent application, a letter is filed with the Patent Office outside the period prescribed for entering opposition, and if the letter is of importance for the examination, the applicant shall be notified thereof. If such a letter has been submitted before the application is laid open for public inspection, the Patent Office, if the letter does not concern better title to the invention, shall notify the party concerned of the possibility of entering opposition in case the application is laid open for public inspection.

#### Issuance of Detailed Rules

#### Section 41

More specific rules on patent applications and their processing shall be issued by the Patent Office.

#### The Register of Patents, etc.

#### Section 42

The Register of Patents shall consist of separate pages for each patent registered. Patents granted on the basis of Nordic patent applications shall be entered under serial numbers in a common Nordic series.

#### Section 43

When a patent has been granted, it shall be entered in the Register, and the following items shall be recorded:

1. the serial number of the patent application and the serial number of the patent and its classification;
2. the name, domicile, and address of the patentee;
3. if the patentee is represented by an agent, the name, domicile, and address of the agent;
4. the name and address of the inventor;
5. the following dates:
  - (a) the filing date of the application,
  - (b) the date from which the patent term starts, unless identical with the filing date of the application,
  - (c) the date on which the application documents were made available to the public,
  - (d) the date on which the laying open of the patent application for public inspection was advertised under Section 21 of the Patent Law, and
  - (e) the date on which the patent was granted;
6. the priority claimed and a statement as to where the basic priority application was filed, its filing date, and serial number;
7. a statement whether the patent has been granted on the basis of a Nordic patent application and, if so, for which countries it has been granted and in which country the application was examined;
8. the title of the invention;
9. with regard to a patent of addition, a reference to the serial number and effective date of the main patent, and, on the page on which the main patent is recorded, a reference to the patent of addition.

#### Section 44

Advertisements under Section 26 of the Patent Law concerning the grant of a patent shall state the serial number and classification of the patent, the title of the invention, the name of the patentee, the serial number of the application, and the date on which the laying open thereof for public inspection was advertised pursuant to Section 21 of the Patent Law.

#### Section 45

When an annual fee has been paid or a respite for payment of the annual fee has been granted, this fact shall be recorded in the Register.

If a patent has lapsed pursuant to Section 51, first paragraph, of the Patent Law, the date from which the patent ceased to be valid shall be recorded in the Register.

If an application for restoration has been filed under Section 51, second paragraph, of the Patent Law, and if the prescribed fees have been paid, this fact shall be recorded in the Register without delay. The final decision in the case shall also be recorded.

#### Section 46

If a party has reported to the Patent Office that he has taken legal action to have a patent declared invalid, or to have a patent transferred, or to obtain a compulsory license, this fact shall be recorded in the Register.

When a copy of a judgment or final decision has been sent to the Patent Office pursuant to Section 70<sup>8</sup> of the Patent Law, this fact shall be recorded in the Register. When the judgment or final decision has taken legal effect, a note shall be made in the Register in such a way that the principal outcome of the case will appear from the Register.

If the Patent Office has declared a patent terminated under Section 54 of the Patent Law, this fact shall be recorded in the Register.

#### Section 47

Entries under Section 44 of the Patent Law concerning transfers of patents or grants of licenses<sup>9</sup> under a patent shall indicate the name, domicile and address of the transferee or licensee, as well as the date on which the transfer or the grant of the license took place. If requested, it shall be recorded whether a license concerning the right of the patentee to grant additional licenses has been restricted. If questions of entering transfers or grants of licenses<sup>9</sup> cannot be decided upon immediately, it shall nevertheless be recorded in the Register that an entry has been requested<sup>10</sup>.

Notice concerning a change of agent shall be recorded in the Register.

#### Section 48

The provisions of Section 71<sup>11</sup>, first and second paragraphs, of the Patent Law shall not apply to patentees domiciled in Denmark, Finland, or Norway<sup>12</sup>, or having an agent

<sup>8</sup> Denmark: Section 65; Norway: Section 66.

<sup>9</sup> In the text for Finland add: "or rights of security."

<sup>10</sup> This paragraph does not appear in the text for Denmark.

<sup>11</sup> Denmark: Section 66; Norway: Section 67.

<sup>12</sup> In the texts for Denmark, Finland and Norway, delete the respective country and add "Sweden."

resident there who is recorded in the Register in this country and is authorized in the manner set forth in Section 71<sup>13</sup>, first paragraph, of the Patent Law.

### Fees

#### Section 49 (SWEDEN)

In connection with patent applications, fees shall be paid in the following amounts:

	Swedish KR
Application fee (Section 9 of the Patent Law) . . .	400
Reinstatement fee (Sections 15 and 20 of the Patent Law) . . . . .	75
if the application has been previously reinstated	150
Appeal fee (Section 25 of the Patent Law) . . .	300
Printing fee (Section 20 of the Patent Law):	
Basic fee . . . . .	150
Additional fee for each commenced group of four pages in excess of eight pages (the number of pages are calculated on the basis of the documents to be printed) . . . .	100

#### Section 49 (DENMARK)

In connection with patent applications, fees shall be paid in the following amounts:

	Danish KR
Application fee (Section 9 of the Patent Law) . . .	400
Reinstatement fee (Sections 15 and 20 of the Patent Law) . . . . .	100
if the application has been previously reinstated	200
Appeal fee (Section 25 of the Patent Law) . . .	400
Printing fee (Section 20 of the Patent Law):	
Basic fee . . . . .	150
Additional fee for each commenced page in excess of five pages . . . . .	40
The calculation of the number of pages is based on the documents to be printed. At the time the application is accepted for public inspection, the amount of the printing fee shall be stated.	

#### Section 49 (FINLAND)

In connection with patent applications, fees shall be paid in the following amounts:

	Finnish MK
Application fee (Section 9 of the Patent Law) . . .	160
Reinstatement fee (Sections 15 and 20 of the Patent Law) . . . . .	50
if the application has been previously reinstated	100
Appeal fee (Section 25 of the Patent Law) . . .	160
Printing fee (Section 20 of the Patent Law):	
Basic fee . . . . .	120
Additional fee for each commenced group of four pages in excess of eight pages (the number of pages are calculated on the basis of the documents to be printed) . . . .	60

The Patent Office shall give detailed instructions regarding petitioning for exemption from the printing fee pursuant to Section 20, second paragraph, of the Patent Law.

#### Section 49 (NORWAY)

In connection with patent applications, fees shall be paid in the following amounts:

	Norwegian KR
Application fee (Section 9 of the Patent Law) . . .	275
Reinstatement fee (Sections 15 and 20 of the Patent Law) . . . . .	60
if the application has been previously reinstated	125
Printing fee (Section 20 of the Patent Law):	
Basic fee . . . . .	170
Additional fee for each page or part thereof in excess of two pages . . . . .	85
Appeal fee (Section 25 of the Patent Law) . . .	250
The Patent Office shall give detailed instructions regarding petitioning for exemption from the printing fee pursuant to Section 20, second paragraph, of the Patent Law.	

#### Section 50

For patents which are not patents of addition, annual fees shall be paid in the following amounts:

	(SWEDEN) Swedish KR	(FINLAND) Finnish MK
1 <sup>st</sup> patent year	50	20
2 <sup>nd</sup> " "	50	20
3 <sup>rd</sup> " "	100	50
4 <sup>th</sup> " "	100	50
5 <sup>th</sup> " "	100	50
6 <sup>th</sup> " "	150	90
7 <sup>th</sup> " "	200	130
8 <sup>th</sup> " "	250	170
9 <sup>th</sup> " "	300	210
10 <sup>th</sup> " "	350	250
11 <sup>th</sup> " "	400	290
12 <sup>th</sup> " "	450	330
13 <sup>th</sup> " "	500	370
14 <sup>th</sup> " "	550	410
15 <sup>th</sup> " "	650	460
16 <sup>th</sup> " "	750	510
17 <sup>th</sup> " "	850	560

#### (NORWAY)

	Patents granted prior to September 1, 1953 Norwegian KR	Patents granted after September 1, 1953 Norwegian KR
3 <sup>rd</sup> patent year	25	100
4 <sup>th</sup> " "	50	150
5 <sup>th</sup> " "	50	200
6 <sup>th</sup> " "	75	250
7 <sup>th</sup> " "	75	300
8 <sup>th</sup> " "	100	350
9 <sup>th</sup> " "	100	400
10 <sup>th</sup> " "	150	450

<sup>13</sup> Denmark: Section 66; Norway: Section 67.

a new patentee or change of name . . .	20
a license . . . . .	20
a right of security . . . . .	20
other entries . . . . .	10

In the case of granted patents, fees shall be paid in the following amounts:

Norwegian KR

Restoration fee (Section 51, second paragraph, of the Patent Law) . . . . .	150
Together with a petition for restoration, in addition to the above fee, annual fees defaulted shall be increased by 20 per cent.	
For entry in the Register of Patents of a transfer of a patent and change of name . . . . .	30
For entry of a change of agent . . . . .	30
For entry of a license . . . . .	30
For entry of a seizure . . . . .	30

Section 52 (DENMARK)

In the case of granted patents, fees shall be paid in the following amounts:

For an official copy of an entry in the Register of Patents and for the certification of a copy of a patent application, a fee of 15 Danish Kroner shall be payable.

The Patent Office shall determine the fees to be paid for other services.

Section 52 (FINLAND)

The fee for translation of the description or claims into Finnish or Swedish pursuant to Section 9, fourth paragraph, and Section 31 of the Patent Law shall be 18 markkaa per page of text or part thereof.

For the purpose of fixing translation fees, a typed page shall be considered to hold not more than 30 lines of an average of not more than 25 syllables.

## Section 52 (NORWAY)

In the case of granted patents, fees shall be paid in the following amounts:

For a certified office copy of an entry in the Register, a fee of 15 Norwegian Kroner shall be payable.

For a certified copy of a patent application or of a printed Norwegian patent application or patent, a fee of 15 Norwegian Kroner shall be payable.

The Patent Office shall determine the price for the printed copies mentioned in Section 27, first paragraph, copies of the *Utläggningsskrift*<sup>14</sup> and printed copies of patents, uncertified photocopies and typed copies, and fees under Section 7, second paragraph.

Section 52 (SWEDEN)

## Section 53 (DENMARK and FINLAND)

In the case of granted patents, fees shall be paid in the following amounts:

Fees not paid on time or paid in insufficient amounts, so that the payment cannot be accepted, shall be refunded.

If the application for restoring a patent is refused, the annual fees together with increases which have been paid, pursuant to Section 51, second paragraph, of the Patent Law, shall be refunded.

	Finnish MK
Appeal fee under Section 72 of the Patent Law . .	50
Restoration fee under Section 51, second para- graph, of the Patent Law . . . . .	140
In addition to this fee, the annual fee defaulted shall be increased by 20 per cent.	
Application for entry in the Register of Patents concerning:	

<sup>14</sup> See Section 34.

## Section 53 (NORWAY)

Fees not paid on time or paid in insufficient amounts, so that payment cannot be accepted, shall be refunded.

## Advertisements by the Patent Office

## Section 53 (SWEDEN)

## Section 54 (DENMARK, FINLAND and NORWAY)

Advertisements concerning patent matters shall be entered in a publication issued by the Patent Office.

(SWEDEN)

## Special Court Action

## Section 54

Actions of the kind provided for in Section 52, second paragraph, of the Patent Law shall be taken by the Public Prosecutor, unless the Government appoints another authority in a special case.

## Transitional Provisions

## Section 55

This Decree shall enter into force on January 1, 1968.

The provisions of Section 27, first paragraph, and Section 48, as well as the provisions on Nordic patent applications and patents granted on the basis of such applications shall not, however, apply until the provisions of Sections 29 to 38 of the Patent Law have entered into force.

This Decree repeals: the Decree of December 31, 1895 (No. 105, p. 1), concerning the nature of documents to be filed in patent matters; the Decree of November 18, 1898 (No. 99, p. 12), concerning the keeping of the Register of Patents, etc.

## Section 56

Patent applications filed prior to January 1, 1968, shall be considered in due form if they comply with the requirements of the provisions previously in force in so far as those provisions are compatible with the Patent Law.

## Section 57

Instead of observing the term for claiming priority prescribed in Section 9, the applicant may, if this is to his advantage, make such claim not later than June 30, 1968. A claim to priority may not, however, be made later than in connection with the payment of the printing fee.

## Section 58

If a decision passed pursuant to the Ordinance on Patents (the old Patent Law) is appealed, the appeal fee shall be paid in the amount obtaining on December 31, 1967.

For patents granted prior to the entry into force of the present Decree, no annual fees shall be paid for the first, second, third, and fourth patent years.

## Section 59

In respect of applications pending in the Patent Office when the present Decree takes effect, the advertisement mentioned in Section 27, second paragraph, may be replaced by

an advertisement stating generally that the applications will become available to the public as from July 1, 1968.

(DENMARK)

## Transitional Provisions

## Section 55

This Decree shall enter into force on January 1, 1968.

The provisions of this Decree relating to Nordic patent applications and to patents granted on the basis of such applications shall not enter into force until the provisions relating to Nordic patent applications laid down in Sections 29 to 38 of the Patent Law have entered into force. The same shall apply to the provisions of the first paragraph of Section 27 and Section 48 of this Decree.

Upon entry into force of this Decree, Decree No. 28 of February 10, 1956, on patent applications, etc., as well as Decree No. 69 of March 24, 1965, on patent fees, etc., and Decree No. 64 of March 13, 1967, on amendments to the last-mentioned Decree, shall be repealed.

## Section 56

Patent applications filed before the entry into force of this Decree shall be deemed to be in the prescribed state provided that they meet the requirements of Decree No. 28 of February 10, 1956, on patent applications, etc., as far as the said requirements are consistent with the Patent Law.

## Section 57

Notwithstanding the provision laid down in the second paragraph of Section 27 of this Decree, advertisements concerning applications pending at the entry into force of the Patent Law may be replaced by one advertisement containing a general statement to the effect that as from July 1, 1968, the said applications shall be available to the public.

(FINLAND)

## Special Court Action

## Section 55

(See Section 54 under Sweden.)

## Transitional Provisions

## Section 56

The provisions of Section 27, first paragraph, and Section 48, as well as the provisions on Nordic patent applications and patents granted on the basis of such applications shall not apply until the provisions of Sections 29 to 33 of the Patent Law have entered into force.

This Decree repeals the decision of November 19, 1943 (920/43), of the Ministry of Commerce and Industry on the character of the documents to be attached to a patent application when filed with the Patent Office, as partly amended by the decision of April 3, 1947 (256/47), of the Ministry of Commerce and Industry, the Decree of November 19, 1943 (915/43), concerning priority based on a patent application filed abroad, and the Decree of February 18, 1966 (76/66), concerning fees in patent matters.

## Section 57

(See Section 57 under Sweden.)

## Section 59

If an appeal is lodged against a decision given under the old Patent Law of May 7, 1943 (387/43), the appeal fee shall be paid in the amount obtaining on December 31, 1967.

Notwithstanding the provisions of Section 50, annual fees due for payment before April 1, 1968, shall be paid pursuant to the Decree of February 18, 1966 (76/66), concerning fees in patent matters.

## Section 60

In respect of applications pending on December 31, 1967, an advertisement mentioned in Section 27, second paragraph, may be replaced by an advertisement stating generally that the applications will become available to the public as from July 1, 1968.

## (NORWAY)

## Transitional Provisions

## Section 55

This Decree shall enter into force on January 1, 1968.

The provisions in this Decree that concern Nordic patent applications and patents granted on the basis of such applications shall, however, not enter into force until the provisions of Chapter III of the Patent Law regarding Nordic patent applications have come into force. The same applies to the provisions in Section 27, first paragraph, and Section 48.

When this Decree enters into force, Part I in the Regulations concerning applications for patent protection and protection of trademarks and designs, etc., given by Government resolution of July 17, 1953, with amendments, the latest of which is that of April 14, 1967, shall be repealed.

## Section 56

Patent applications filed prior to the entry into force of this Decree shall be deemed to be in acceptable form if they fulfill the Regulations of July 17, 1953, regarding the filing of patent applications, with later amendments, to the extent those Regulations are compatible with the new Patent Law.

## Section 57

For patent applications filed prior to the entry into force of this Decree, an application fee shall be paid in the amount obtaining at the time of filing. Appeal and reinstatement fees shall be paid in the amounts that were decreed at the time when the appealed decision or the decision to dismiss the application was made.

## Section 58

Without prejudice to the provision of Section 27, second paragraph, advertisements regarding applications pending when this Decree enters into force may be made in the form of a general notice that these applications will be available to the public after July 1, 1968, provided that at that time they fall under the provisions of Section 22 of the Patent

Law. For this purpose, the records of the Patent Office shall be available to anyone to enable him to find which applications the advertisement concerns.

## ITALY

## Decrees

## Concerning the Temporary Protection of Industrial Property Rights at Fifteen Exhibitions

(of November 29 and December 12, 1969, and of January 8, 12 and 15, 1970)<sup>1</sup>

## Single Article

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

*XVI<sup>o</sup> e XVII<sup>o</sup> Mercato internazionale della pelletteria - MIPEL*

(Milan, January 10 to 14, 1970, and June 6 to 10, 1970);

*V<sup>a</sup> Mostra mercato nazionale dell'alimentazione e della gastronomia AL + COM 70* (Turin, January 16 to 25, 1970);

*Mostra nazionale dell'oreficeria, gioielleria e argenteria* (Vicenza, January 25 to February 1, 1970);

*II<sup>a</sup> MACEF-LEVANTE* (Bari, January 31 to February 3, 1970);

*IV<sup>a</sup> EXPOSUDHOTEL - Salone delle attrezzature, alberghiere turistiche e di pubblico esercizio per il mezzogiorno e l'oltremare* (Naples, January 31 to February 8, 1970);

*S. I. V. E. L. - 2<sup>o</sup> Salone nazionale vini e liquori* (Naples, January 31 to February 8, 1970);

*IX<sup>o</sup> Salone nautico internazionale e X<sup>o</sup> Salone internazionale rimorchio campeggio* (Genoa, January 31 to February 9, 1970);

*Salone internazionale dell'automobile* (Geneva, January 31 to February 8, 1970, and March 12 to 22, 1970);

*VIII<sup>o</sup> Salone internazionale del giocattolo* (Milan, February 1 to 8, 1970);

*VII<sup>o</sup> Salone internazionale macchine per movimenti di terra, da cantiere e per l'edilizia - SAMOTER* (Verona, February 1 to 8, 1970);

*Salone mercato internazionale dell'abbigliamento - SAMIA* (Turin, February 13 to 16, 1970);

*Salone internazionale della ceramica* (Vicenza, February 25 to March 1, 1970);

*LXXII<sup>a</sup> Fiera internazionale dell'agricoltura e della zootecnica* (Verona, March 15 to 23, 1970);

*Mostra nazionale delle sementi certificate* (Lonigo [Vicenza], March 22 to 25, 1970);

*VII<sup>o</sup> Salone internazionale delle arti domestiche* (Turin, March 27 to April 8, 1970)

shall enjoy the temporary protection provided by Laws No. 1127 of June 29, 1939<sup>2</sup>, No. 1411 of August 25, 1940<sup>3</sup>, No. 929 of June 21, 1942<sup>4</sup>, and No. 514 of July 1, 1959<sup>5</sup>.

<sup>1</sup> Official communications from the Italian Administration.

<sup>2</sup> See *La Propriété industrielle*, 1939, p. 124; 1940, p. 84.

<sup>3</sup> *Ibid.*, 1940, p. 196.

<sup>4</sup> *Ibid.*, 1942, p. 168.

<sup>5</sup> *Ibid.*, 1960, p. 23.

## GENERAL STUDIES

### New Australian Patent Law

By K. B. PETERSSON

The new Act which may be cited as the Patents Act 1969 is an amending Act. The Principal Act as amended by the Patents Act 1969 is entitled the Patents Act 1952-1969. Certain sections of the Patents Act 1969 became effective on June 14, 1969, whilst the remaining provisions came into operation on January 1, 1970.

The amendments to the Australian patent law flow from a decision taken a few years ago to consider a form of deferred examination. The then Attorney-General set up a Committee to consider among other things the problems of the Patent Office in relation to the rapid increase in the number of applications for patents being lodged. A Bill was introduced into the Parliament in 1967 but this had to be reintroduced in 1968 following the prorogation of Parliament. The provisions of the proposed new law were subject to considerable discussion and debate, resulting in some amendment before the Bill was finally passed in May, 1969.

As indicated above, some consideration was given to the introduction of a system of deferred examination. The Australian law as it stood offered a fairly easy stepping-off point towards deferred examination, because it had, since 1946, included the provision known as prepublication. As is well known, prepublication is considered as an integral part of any deferred examination system. In the strict sense, however, the Patents Act 1969 has not introduced deferred examination as such, but has built into the patent law procedures whereby deferred examination automatically operates should the Patent Office become more than five years in arrears, and again automatically reverts to "in turn" examination if the Office, having become more than five years in arrears, then catches up and becomes less than five years in arrears. How this is achieved will be more apparent from the later description of the examination procedures.

Besides providing for new examination procedures, the Patents Act 1969 introduces an important concept which has been called "modified examination." By this change in the law, a Convention application made in Australia based upon an application in a prescribed country which application has matured into a patent may receive a modified form of examination. It is a necessary condition that the Australian specification should correspond or be amended to correspond with the specification of the patent in the prescribed country.

Other changes relate to assignment before grant, greater freedom of amendment of specifications, and discontinuance of the necessity to indicate the priority date of a claim.

#### Examination Procedures

Under the existing law, every application is examined and examination is made as nearly as practicable in the order of

lodgment of applications. Under the new procedure, the wave front of examination will remain but, before an application is referred to the examiner, the Commissioner of Patents may, by notice in writing given to the applicant, direct him to request the making of an examination. Should the applicant fail to request examination within six months from the giving of the notice, the application will lapse. Apart from the necessity to request examination following a direction, there is an overriding requirement that, unless an applicant has requested examination before five years after the date of lodgment of the complete specification, the application shall lapse. It follows that, so long as the wave front of examination is less than five years after the date of lodgment of complete specifications, an applicant may safely await a notice directing examination. If the wave front of examination is greater than five years after lodgment of complete specifications, the procedure becomes a true deferred examination system because the Office would cease to send out notices and applicants wishing to prevent applications from lapsing would need voluntarily to request examination. An applicant voluntarily requesting examination before receiving a notice would normally have to pay an increased fee. The increase, however, does not apply to voluntary requests made between the period of four years and nine months and five years after lodgment of the complete specification.

The Commissioner of Patents is also empowered to give notice directing that an examination be requested having regard to the examination of other applications, the public interest, or where he has been required to do so by a third party who has paid the necessary fee to give such a direction.

#### Modified Examination

Where an application for a patent has been made in Australia which invokes the provisions of the Paris Convention for the Protection of Industrial Property (a Convention application) and a patent has been granted in respect of the basic application in a prescribed Convention country and the specification of that patent is in the English language, the applicant instead of requesting full examination may request a modified examination. For the time being, the prescribed Convention countries are the United Kingdom and the United States of America. To obtain the benefits of the new provision, the application need not be based for priority purposes on the application lodged in those countries, but the patent in question must have been granted in one or the other of those countries.

A request for modified examination is of no effect unless it is accompanied by a copy of the specification of the patent granted in the United Kingdom or the United States of America. If the Australian specification is not, apart from matters of form, the same as the specification of the patent in the United Kingdom or United States of America, a statement of proposed amendments for the purpose of making the Australian specification the same as the specification of the patent on which it is based must be lodged.

It is open to the applicant at any time before acceptance to withdraw the request for modified examination and request full examination.



The purpose of providing a modified examination is two-fold. In the first place, many applicants desire that their Australian patents correspond precisely with their United Kingdom or United States patents. In the second place, there appears to be little justification for duplicating work already done in so far as the relevant law is the same.

Under modified examination, therefore, the examiner will report only on such things as the application, the request, whether the amendments submitted are allowable, and whether conformity between the Australian specification and the United Kingdom or United States specification has been achieved. Search will be limited to cover the gap between the Australian dates and the extent of the United Kingdom or United States examiner's search.

Amendment will be permitted to overcome objections to meet the conditions necessary to qualify for modified examination, whilst additionally a claim or claims may be excluded.

#### **Deferment of Examination to Obtain Modified Examination**

It will sometimes happen that, at the time when an applicant receives a notice directing him to request examination of an application that would otherwise qualify for modified examination, a patent has not yet issued in the prescribed country. In these circumstances, it is possible to gain deferment of the examination for up to nine months. Within this nine months' period, either full or modified examination must be requested; otherwise, the application will lapse.

#### **Amendment of Specifications**

Under the existing law, amendment of a complete specification after it has become open to public inspection is not allowable if the specification would, as a result of the amendment, claim matter not in substance disclosed in the specification as lodged, or if a claim of the specification would not, as a result of the amendment, in substance fall within the scope of the claims before amendment. By the Patents Act 1969, the latter condition has been removed, so that the sole test is whether the matter the subject of the amendment was adequately disclosed in the specification as lodged.

#### **Rights Flowing from Publication**

Prepublication or publication before grant has long been part of the law of Australia. The period which must elapse before publication has been varied a number of times since first introduced in 1946, but has now stood at eighteen months from the date of lodgment of the complete specification since the passing of the Patents Act 1962. The law provides like privileges and rights for the applicant as he would have had if a patent for the invention had been sealed on the date on which the complete specification became open to public inspection. The right, however, is not exercisable until a patent has in fact been granted. Under the new law, the right will be modified so that it does not apply unless the act complained of would constitute an infringement of the claims of the specification of the granted patent as well as of the claims of the complete specification as it became open to public inspection. It is also a defense to an action or proceeding

brought under these provisions if it can be established that a patent could not validly have been granted in respect of a particular claim as framed at the time when the act complained of was done.

#### **Priority Dates**

Since the operation of the Patents Act 1952, applicants have been required to indicate at the end of each claim the priority date of that claim. An examiner could object if he was of the opinion that the indicated priority date was not the correct priority date. The requirement to indicate the priority date and the consequential necessity for an examiner to report on its correctness have been removed.

#### **Continuation Fees**

Applicants will be required to pay continuation fees from the second anniversary of the lodgment of the complete specification. Failure to pay a continuation fee will result in lapsing of the application. However, it is possible to obtain an extension of time of up to six months for paying the fee.

#### **Compliance with Formalities**

Specifications and other documents which do not comply as to form will be subject to the same scrutiny as previously, but with this difference that, where a direction is given requiring amendment, then unless such an amendment is complied with within six months the application will lapse.

#### **Lapsing of Applications**

It will have been apparent that the new procedures are designed to eliminate cases from the system where an applicant has lost interest in protecting his invention. The following table is a comprehensive list of events, any of which will cause an application to lapse:

- (i) the applicant does not comply with a direction to do such things as are necessary to ensure that a complete specification complies with the requirements of the Regulations within six months from the date the direction was given;
- (ii) the request for examination has not been made within five years from lodgment of the complete specification or two years from January 1, 1970, whichever is the longer;
- (iii) the request for examination or the request for deferment of examination has not been made within six months following a notice directing examination;
- (iv) the request for examination has not been made within nine months from the date of a request for deferment of examination;
- (v) a continuation fee has not been paid;
- (vi) the application and complete specification have not been accepted within the time allowed.

#### **Restoration of Lapsed Applications**

Applications which have lapsed for failure to request examination or to pay a continuation fee may be restored if

the failure to make the request or to pay the fee, as the case may be, was unintentional and resulted from an error or omission on the part of the applicant or his agent or attorney or from circumstances beyond the control of the applicant, and provided there has been no undue delay in the making of the application for restoration. Restoration may be opposed by an interested third party and in the event that a third party had availed himself of the subject matter of the lapsed application after the lapsing of the application was advertised; he may, in the event of restoration, apply to the Commissioner of Patents for a license, and a license may be granted on such terms as the Commissioner thinks reasonable.

### Other Changes

The Patents Act 1969 has added a number of what may be described as minor changes to the law, but which may prove advantageous to those concerned.

Where an applicant has before grant assigned his interest in an invention, there was no means under previous law whereby the change could be recorded at the Patent Office before the grant of a patent. Equitable assignments of this type may now be recorded by a direction following a request that the application should proceed in the name of the equitable owner.

Consequential changes have been made to the opposition procedures to apply when a person, opposing on a ground of prior application, cites an application which has not been examined. In such circumstances, if the prior application is in the name of the opponent, he is required to request its examination, or, if it is in the name of another person, the opponent must pay the fee and require the Commissioner of Patents to direct the applicant to have the application examined. Failure to follow this procedure will result in the notice of opposition, so far as it relates to that ground, being deemed to have been withdrawn.

It will be competent for a third party having knowledge of published prior art to give notice of its existence and have relevant documents placed on the file of an application provided that the application has been made open to public inspection. A document accompanying the notice will itself be open to public inspection. The Commissioner of Patents must notify the applicant of any matter of which notice has been given. Any art referred to may be cited by an examiner when the application is examined. Where such notice has been given and a claim of the complete specification has been amended, the law will now provide that a license may be granted to a person who had availed himself of the subject matter of that claim on the basis that a patent could not validly be granted in relation to that claim. A license shall not be granted if there has been reasonable diligence by the applicant in amending the claim, following notice of the existence of prior art.

### Fees

The schedule of fees has been revised and apart from continuation fees a number of new fees in relation to the examination of applications have been included. For a full examination following a notice directing the applicant to re-

quest examination, the fee is \$A 60. If the applicant does not wait to receive a notice but seeks to have his examination expedited by a voluntary request, the fee for examination is \$A 80. This fee is reduced to \$A 60, however, in the last three months of the five-year period during which examination must be requested. The fee for modified examination is \$A 40, and a third party requiring the Commissioner of Patents to direct an applicant to request examination will have to pay a fee of \$A 40. In these circumstances, the applicant will have to pay \$A 40 for the examination.

### Transitional Provisions

In general, the new Act applies to all applications upon which on January 1, 1970, an examiner's report had not issued. Applications lodged before January 1, 1970, upon which an examiner's report had not issued may request examination within five years after the date of lodgment of the complete specification or within two years from January 1, 1970, whichever is the later.

With respect to payment of fees, some concessions have been made in respect of old Act cases. Examination fees for cases upon which an examiner's report had not issued by January 1, 1970, are lower than the corresponding fee for new Act cases. Continuation fees will not operate in respect of old Act cases until the third anniversary of the lodgment of the complete specification occurring after January 1, 1970.

## Comments on the Australian Patents Act 1969

By J. Barton HACK

### Introduction

This article does not attempt to deal exhaustively with the numerous provisions of the Australian Patents Act 1969, but is concerned mainly with the new examination procedures and related provisions which the Act introduces.

### Historical

The Patents Act 1969, which came into force on January 1, 1970, had a somewhat chequered career in the Australian Parliament.

In 1965 the then Attorney-General, Mr. B. M. Snedden, appointed a Committee to report on the problem of the growing arrears of unexamined patent applications in the Australian Patent Office. The Chairman of this Committee was a Sydney barrister, Mr. Nigel Bowen, who has since become the Attorney-General. The Bowen Committee expressed the view that full examination of all applications is the ideal, but, recognizing that this ideal cannot be achieved under present conditions, the Committee recommended the introduction of deferred examination as a possible means of overcoming the backlog problem.

In 1967 a Bill was introduced into the Federal Parliament which provided, *inter alia*, for a system of deferred examination. This Bill was considered by the Institute of Patent

Attorneys of Australia and other organizations, and certain criticisms were submitted to the Attorney-General. The Bill was reintroduced into Parliament in 1968, and the Institute maintained its objections to certain aspects of the deferred examination system. Political opposition to the Bill, particularly in the Senate, developed to such a stage that the Government withdrew the 1968 Bill for reconsideration.

The Attorney-General then had further discussions with the Institute and agreed to adopt a modified system of deferred examination suggested by the Institute. In March, 1969, the Patents Bill was reintroduced. In his Statement to the Parliament, the Attorney-General said: "The Government has decided to make certain amendments to the Bill, as a result of which the Institute of Patent Attorneys has withdrawn its objections to the Bill, although still expressing some reservations about the system of deferred examination." The Bill as amended was passed by Parliament in May, 1969.

### Purpose of the Legislation

The main purpose of the Patents Act 1969, in the words of the Attorney-General, "is to change the administrative procedures leading to the grant of a patent, so as to lessen the amount of work required in the Patent Office and reduce the backlog of work there."

Under the Australian system of deferred examination, an application for a patent will not be examined unless the applicant specifically requests examination and pays the prescribed fee. If a request for examination is not made within five years from the filing of the complete specification, the application will lapse. Lapsing of the application will also occur if other specified acts are not performed within the prescribed times. The advocates of the deferred examination system anticipate that a substantial proportion of the applications filed will be allowed to lapse, for one reason or another, thereby reducing the number of applications to be examined.

### The Australian System of Deferred Examination

Under the system of deferred examination provided for in the Patents Act 1969, the applicant may initiate examination of his application in either of the following ways:

1. voluntarily at *any time* after the filing of the complete specification and before the expiration of *five years* from such filing (Section 47);
2. within *six months* after receiving, from the Commissioner of Patents, a direction to request examination (Sections 47A and 47B).

The Commissioner may issue a direction to the applicant under Section 47A requiring him to request examination, if the Commissioner:

- (a) considers it expedient having regard to the progress made in the examination of earlier applications;
- (b) considers it in the public interest to do so; or
- (c) considers it expedient having regard to the examination of another application.

A third party may initiate examination of an application by giving a notice to the Commissioner under Section 47B

requiring him to issue a direction to the applicant that he request examination, and the Commissioner will then issue such a direction.

If the applicant does not file a request for examination within six months after receiving a direction from the Commissioner under Section 47A or 47B, the application lapses.

It is of interest to note that the fee payable with the request for examination is less if the applicant awaits a direction of the Commissioner under Section 47A or Section 47B than if he files an earlier voluntary request under Section 47. This is presumably intended to encourage applicants to defer the lodgment of requests for examination until a direction is issued. The fees are of course fixed by the Regulations.

As far as practicable, applications will be examined in the order in which requests for examination are received at the Patent Office, except in cases where expedition of the examination is ordered for a special reason. Since requests for examination will be filed at varying periods after the date of lodgment of the application, it follows that applications will no longer be examined in order of filing and that frequently examination of recently filed applications will be effected before the examination of much earlier applications. If this procedure results in apparent conflict between an examined application and an unexamined application of earlier date, the Commissioner will presumably issue a direction to the earlier applicant under Section 47A, requiring him to request examination of his application.

A novel and important feature of the Australian system of deferred examination is that the Patent Office itself can initiate examination of an application by sending a notice to the applicant under Section 47A. Such notice will be forwarded to an applicant when the Patent Office is ready to examine the application in the normal course, unless a request for examination has already been initiated by the applicant under Section 47 or by a third party under Section 47B. The advantage of this provision is that it introduces some flexibility into the system and, in particular, that it allows for the possibility of reducing the time lag between filing and examination of applications in the event that, as a result of the provisions introduced by the new Act, the Patent Office is in fact able to reduce the examination backlog.

### Modified Examination

Where an Australian application has been filed under the provisions of the Paris Convention for the Protection of Industrial Property, and a corresponding patent has been granted in the United Kingdom or the United States of America, the applicant may request what is called "modified examination." The British or US patent must have been granted on the same application of which the Australian application claims priority, or must be based on the same foreign application as the Australian application. If the applicant is entitled to request modified examination, he may be able to secure acceptance of his application with less difficulty than if full examination is necessary. For modified examination, a certified copy of the granted British or US specification must be filed. The Australian specification must

be the same, apart from matters of form, as the specification of the granted British or US Patent. If necessary, the Australian specification must be amended to bring it into conformity with the British or US patent, and, if this cannot be done under the amendment provisions of the Australian Act, the applicant will be unable to obtain the benefit of modified examination.

The object of modified examination is to avoid duplication of the novelty search which has already been carried out by the British or US examiner. The Australian examiner is required only to report on, for example, whether the application is in order and whether the specification can be brought into conformity with the British or US specification. He may also be required to make a search to bridge the gap, if any, between the Australian date and the date of the British or US search, and in some cases a search of local art may also be required.

At any time before acceptance, the applicant may withdraw the request for modified examination and may instead request full examination.

It is anticipated that an appreciable number of applicants will take advantage of modified examination, where conditions permit them to do so. However, there will be many instances in which it will not be possible for the Australian specification to be brought into conformity with that of the corresponding British or US Patent, and in such cases modified examination cannot be utilised. In this regard, it is to be noted that the provisions of the Australian Patents Act in relation to amendments of specifications in response to official objections (Section 49) have been ameliorated to the extent that under the new Act it is no longer necessary for an amended claim to fall within the scope of an unamended claim, which should assist applicants who desire to employ modified examination, but the requirement that the subject matter of the amended claims shall have been disclosed in the original specification still applies.

Where an applicant receives from the Commissioner a direction to request examination, and he desires to apply for modified examination but is unable to do so because the corresponding British or US patent has not then been granted, he may on request obtain a deferment of examination for nine months. If he does not apply for modified examination or full examination within this time, the application lapses.

### Maintenance of Applications

In order to maintain an application in force, an applicant is required to pay annual continuation fees commencing at the end of the second year from the date of filing of the complete specification. If a continuation fee is not paid, the application lapses.

The tax-free period within which acceptance of an application may be obtained is now twelve months (previously eighteen months) from the date of the examiner's first report. A maximum extension of nine months is obtainable by payment of monthly extension fees. If the application is not accepted within the prescribed acceptance period, or within any extension of this period obtained by such fee payments, the application lapses.

### Effect of New Examination Procedure

An applicant will usually have the choice of the following actions:

- (a) to make a voluntary request for examination under Section 47;
- (b) to await receipt of the Commissioner's direction under Section 47A, and then request examination;
- (c) to request modified examination;
- (d) to allow the application to lapse.

A five-year limit applies to the taking of any of courses (a), (b) or (c). If within the five-year period the applicant does not receive a direction from the Commissioner to request examination, or is unable to comply with the requirements for modified examination, he will have no choice but to follow course (a) in order to avoid the lapsing of his application.

The effectiveness of the system introduced by the new Act will depend largely on the number of applicants who select each of the above-mentioned courses of action. If a high proportion of applicants elects to follow course (a), the system will be ineffective in reducing the examination backlog. However, it appears reasonable to expect that most applicants will await the receipt of the Commissioner's direction to request examination, and that an appreciable proportion of applicants will allow their applications to lapse, either by failure to pay continuation fees or by failure to request examination.

The following factors will operate to increase the number of applications which will be allowed to lapse:

- (a) the necessity for an applicant to make a conscious decision to request examination and to file a formal request therefor;
- (b) the substantial examination fee payable with an examination request;
- (c) the necessity for payment of annual continuation fees to keep an application alive.

There is no doubt that the combined effect of these factors will decrease the number of applications requiring examination, and to this extent the burden on the Patent Office should be reduced. However, it is impossible to predict at this stage whether the effect of the provisions introduced by the 1969 Act will be sufficient to arrest the progressive increase which has been occurring in the backlog of unexamined applications, and it is certainly too early to assume that this backlog will be effectively reduced by operation of the new system.

### Conclusion

While the amendments to the patent application procedures and fees introduced by the Patents Act 1969 will hopefully have the effect intended by the legislature, namely, to reduce the backlog of unexamined patent applications in the Patent Office, it is important to realize that the accomplishment of this objective, desirable as that may be in itself, will not improve other aspects of the patent system, and in fact the measures taken to achieve the desired objective may well have an adverse effect on the rights of applicants in certain respects.

The rationale of the new provisions might be said to be based on the theory that the erection of a series of "obstacles" between the filing of a patent application and the grant of a patent will deter a substantial number of applicants from completing the course, and the resulting decrease in the proportion of cases requiring examination will assist in closing the "examination gap."

There is no doubt some substance in the proposition that the system should be such that the Patent Office should not be called upon to examine applications which are of no commercial value or in which the applicant has no longer any interest, and the amendments introduced by the 1969 Act appear to be justified to the extent that they achieve this result. However, it is believed that there is some risk that the increased complexity and cost of prosecuting an Australian patent application under the 1969 Act may have the effect of preventing some applicants with worthwhile inventions from completing all the steps necessary to secure a patent. Moreover, the additional actions required of an applicant, the higher fees payable, and the increased number of causes for lapsing of an application will impose a burden on applicants generally.

The introduction of a deferred examination system may have benefits in certain directions. Such a system may be necessary to meet the problems which undoubtedly exist in some Patent Offices. But it would be a mistake to assume that a system of this type is an unmixed blessing. The fact should be faced that a deferred examination system carries with it certain disadvantages and disabilities, particularly for applicants and inventors, and to this extent it is not necessarily to be regarded as an improvement in the patent system as a whole.

## NEWS CONCERNING NATIONAL PATENT OFFICES

### MEXICO

#### Report on the Work of the General Directorate of Industrial Property

Within the administrative structure of the Mexican Executive, the General Directorate of Industrial Property forms part of the Secretariat of State (Ministry) for Industry and Commerce. In order to deal with the matters within its competence, it is sub-divided as follows:

Office of the Director;

Office of the Deputy Director;

Department of Inconformities;

Department of Trademarks, Trade Names and Trade Signs, divided into three Offices:

- Administrative Examinations,
- Novelty Examinations,
- Assignments and Renewals;

Patent Department, divided into three Offices and two Sections:

- Technical Office,
- Technical Enquiries Office, and
- Administrative Examinations Office,
- Priorities Section, and
- Certificates Section.

In addition, there are two Offices that do not come within any of the three Departments mentioned above, namely:

- The Industrial Property Gazette Office, and
- The Settlements Office.

In accordance with the relevant provisions of the Industrial Property Law, the Directorate is responsible for settling any disputed questions relating to the nullity of patents, trademarks, signs or trade names, forfeiture on the ground of failure to use registered trademarks, and confusion between establishments, products or services. Decisions given on such matters are all the more important because only thereafter can penal proceedings be brought against offenders. All this work relating to disputes is the responsibility of the Department of Inconformities, whose staff comprises 14 persons, six of these being counsellors.

In the course of 1968, the Department gave 220 decisions.

The Trademarks Department operates with a staff of 40 persons, of whom three carry out examinations as to the novelty of trademarks applied for, and one examinations concerned with signs and trade names.

The previous system of novelty examinations, which required the examining officers to go through more than 40 annual indexes of registered trademarks, has been replaced by the system now in force, which enables a determination as to novelty or similarity to be made in a few seconds. As a result, in the course of 1968, this Department gave a favorable finding on 6,267 applications, and in normal conditions the period required for processing does not exceed four or five months.

Trademark registration is granted for the protection of articles or products in accordance with the classification set forth in Article 71 of the Regulations pursuant to the Industrial Property Law.

The Patents Department, which has a total staff of 64 persons, of whom 20 are examiners, gave a favorable decision on 7,271 applications in 1968. It should be noted that, in conformity with the Industrial Property Law and the implementing regulations thereof, both in force since 1943, all patent applications are required to undergo detailed administrative and novelty examinations; for many years past, the Australian patent classification has been followed, because none is provided in Mexico's legislation.

Because of the substantial backlog from earlier years, in conjunction with the large number of applications filed, the work of the Patents Department has had to be speeded up, so that whereas at the beginning of 1965 the backlog was four years, it has now been reduced to one year and a half in the case of patents of invention and improvement, and a maximum of six months for applications relating to industrial designs.

As its name indicates, the Industrial Property Gazette Office is responsible for assembling the material that is to appear in the monthly publication in which, under the Industrial Property Law, all important announcements connected with these matters are required to be published (registrations, changes of name, changes of domicile, cancellations, lapses, nullities, infringements, etc.).

Lastly, the Settlements Office determines the fees payable, according to the appropriate tariff, in respect of the various formalities requested by applicant parties, the actual payment being made to the Secretariat of State for Finance and Public Credit.

### NEWS CONCERNING INTERNATIONAL ORGANIZATIONS OTHER THAN BIRPI

#### Cooperation between the United Nations and BIRPI in 1969

During 1969 BIRPI continued and extended its cooperation in industrial property matters with the various United Nations bodies, in accordance with the working agreement between BIRPI and the United Nations established in 1964.

##### United Nations Commission on International Trade Law (UNCITRAL)

BIRPI was represented by observers at the second session of UNCITRAL, held in Geneva from March 3 to 31, 1969. The Commission devoted most of its work to the subjects chosen for priority treatment, which do not include intellectual property, and, at the request of UNCTAD, added international legislation on shipping as a new priority subject. The Commission decided to proceed with the establishment of a register of texts of agreements and conventions relating to international trade law, but, at this stage, to limit the register to texts relating to the priority subjects.

At the request of the Secretariat of UNCITRAL, BIRPI prepared a report on the technical assistance program in the field of industrial property, giving information upon the Model Laws for Developing Countries on Inventions and on Marks, Trade Names and Acts of Unfair Competition, upon BIRPI seminars and courses and upon the training courses offered to government nominees from developing countries. This information was included in a report of the Secretary-General of the UN: "Training and Assistance in the Field of International Trade Law," which was the subject of an item of the agenda of the second session of UNCITRAL.

##### International Law Commission

At its twenty-first session, held in Geneva from June 2 to August 8, 1969, the International Law Commission again included in its agenda the examination of the question of the

succession of States in respect of treaties; the working documents included studies of the relevant practices of the Unions administered by BIRPI. Shortage of time, however, prevented the Commission from reaching this item.

In connection with the Commission's study of the "most-favoured-nation" clause, the Secretariat of the Commission requested BIRPI to supply information derived from BIRPI's experience upon the application of the clause. In his reply the Director indicated that the concept of the "most-favoured-nation" clause was to a large extent inconsistent with that of "national treatment" and with the provisions of Article 15 of the Paris Convention.

##### United Nations Industrial Development Organization (UNIDO): Industrial Development Board

BIRPI was represented by an observer at the third session of the Board, held in Vienna from April 24 to May 15, 1969, and at the meeting of the Board's Working Group on Programme and Coordination which met during the preceding two weeks. UNIDO's program of work for 1970 was approved; it includes the preparation and publication of comparative studies, on a regional basis, of industrial laws including those relating to industrial property; training of government officials in the organization and administration of patent offices, and the preparation of a feasibility study on the establishment of a technological bank to accelerate the flow of proprietary technology to developing countries. In the Report of the Working Group, received by the Board, it was emphasized that the activities of UNIDO should be clearly coordinated with those of BIRPI and other international organizations active in this field.

BIRPI and UNIDO convened jointly an Expert Group Meeting on the Organization and Administration of Industrial Property Offices in Vienna from October 6 to 10, 1969. Experts from Austria, Cameroon, France, Hungary, India, Ireland, the Netherlands, Switzerland, the United Arab Republic, Venezuela and the African and Malagasy Office of Industrial Property participated, in their personal capacity, in the meeting, which was also attended by observers from the following countries: Austria, Bolivia, China, Germany (Federal Republic), Ghana, Holy See, Honduras, Italy, Liberia, Morocco, Poland, Portugal, Rumania, Spain, Sweden, Thailand, Togo, Tunisia, the Union of Soviet Socialist Republics and the United States. The International Patent Institute (IIB) and the International Association for the Protection of Industrial Property (AIPPI) were also represented by observers. In its "Conclusions and Recommendations," the Expert Group recommended "to developing countries to consider participating in the development of international conventions in the field of industrial property and to examine the usefulness of their adherence to any such conventions, particularly to the conventions of universal and general character and to those of a technical character, and to take these conventions into account when adapting their national legislations to their needs, in the light of the model laws prepared by BIRPI." Other recommendations made specific suggestions, especially in relation to cooperation, to UNIDO, to the IIB and to BIRPI.



### United Nations Conference on the Law of Treaties

An international Convention on the Law of Treaties was signed at the conclusion of the second session of this Conference, held in Vienna from April 9 to May 21, 1969. BIRPI was represented by observers. Article 4 of the new Convention makes it clear that the application of its provisions (which include rules relating to treaty obligations between States which are party to different Acts of the same Convention, and to majority voting at international conferences) to any treaty which is the constituent instrument of an international organization, or to any treaty adopted within an international organization, will be without prejudice to any relevant rules of the organization. In relation to the definition of "international organization" (Article 2, paragraph 1(i)), the Drafting Committee of the Conference reported to the Committee of the Whole that: "In the light of communications from GATT and BIRPI concerning paragraph 1(i), the Committee had examined the question of the appropriate scope to be given to the term 'international organization,' which was the subject of the paragraph. The Committee had considered that the term covered agencies established at intergovernmental level either by agreements or by practice and which exercised international functions of some permanence. In the opinion of the Committee, the agreements or the practice establishing those institutions played the same role as the constituent instruments mentioned in Article 4."

### Economic and Social Council

At its forty-sixth session, held in New York from May 12 to June 6, 1969, the Council considered a Report of the Secretary-General upon "arrangements for the transfer of operative technology to developing countries" (E/4633), which included the following statement: "One [of the organizations concerned], the United International Bureaux for the Protection of Intellectual Property (BIRPI), is outside the United Nations system. Means could be devised to associate it with the work of the ACC [Administrative Committee on Coordination] Sub-Committee on Science and Technology, and with the ACC itself, when the work of the Sub-Committee is discussed. Similarly, provision could be made for BIRPI's participation, in an advisory capacity, in the meetings of the Advisory Committee [on the Application of Science and Technology to Development] when questions within its purview are considered. This would involve some amendment of, or addition to, the Working Arrangement in force with that organization."

BIRPI was represented by an observer during the discussion of this Report by the Council, which decided to defer to its forty-seventh session the final decision regarding the future institutional arrangements within the United Nations system relating to the field of science and technology.

At its forty-seventh session, held in Geneva from July 14 to August 8, 1969, at which also BIRPI was represented by observers, the Council adopted a resolution in which it recognized the need for the reinforcement and coordination of present and contemplated activities, including the desirability

of the establishment of intergovernmental machinery, in the field of the application of science and technology to development, and requested the Secretary-General of the United Nations to submit a comprehensive report at the forty-ninth session (July/August 1970) in the light of views expressed by Member Governments, by organizations concerned within the United Nations system and by other intergovernmental organizations concerned. The resolution also noted the Council's view that UNCTAD is competent to take any action, including appropriate institutional arrangements within its framework, in connection with those aspects of the transfer of operative technology which fall within its jurisdiction.

In accordance with the Council's resolution, noted in the previous paragraph, BIRPI has been invited by the Secretary-General of the United Nations to submit views on "how best to meet the needs for reinforcement and coordination, and the place and the role of any intergovernmental machinery that may be set up." Such views will be reflected in the Secretary-General's report to the forty-ninth session of the Economic and Social Council, and preliminary consultations with the United Nations Secretariat began in 1969.

### Advisory Committee on the Application of Science and Technology to Development

At its eleventh session (New York, March 31 to April 4, 1969), at which BIRPI was represented by an observer, the Advisory Committee considered Resolution 2458 (XXIII) of the General Assembly, which called for a report upon "international cooperation with a view to the use of computers and computer techniques for development," and commented that "the problems related to the access, under appropriate conditions, to computer programmes applicable to the conditions and problems of the developing countries merit close attention in the Secretary-General's report. Within this context, the problems of patent and copyright protection for computer programmes developed in the industrialized countries, 'which may be applicable to the developing countries,' are matters requiring appropriate consideration in the report."

Discussions began in 1969 between BIRPI and the UN Office for Science and Technology upon this aspect of the question of the use of computer techniques for development.

### United Nations Conference on Trade and Development (UNCTAD): Trade and Development Board

At its eighth session, held in Geneva from May 5 to 16, 1969, the Board approved the outlines of a proposed study on restrictive business practices, called for by a resolution of the Second United Nations Conference on Trade and Development, held in New Delhi in 1968. The background documentation included a paper, prepared by BIRPI at the request of the Secretary-General of UNCTAD, which described BIRPI's activities in this field and referred to the relevant provisions of the Model Laws for Developing Countries on Inventions and on Marks, Trade Names, and Acts of Unfair Competition.

The Board held its ninth session from August 26 to September 15, 1969. BIRPI was represented by observers, who

paid particular attention to the Board's consideration of the agenda item relating to "transfer of technology, including patents and know-how."

The Board adopted without dissent a resolution by which it was decided to defer this item for consideration at its tenth session (August/September, 1970) as a matter of high priority, and to request the Secretary-General of UNCTAD to submit a study of the elements of a program of work of UNCTAD in the field of the transfer of technology, taking into account the views of Member Governments and after appropriate consultations with the organizations of the United Nations system and other intergovernmental organizations concerned.

### Economic Commission for Europe (ECE)

The Executive Secretary of the ECE asked BIRPI to assist in the preparation of two studies called for by resolutions of the Commission at its twenty-third session, held in May 1968. The first required an account of BIRPI's activities relevant to the promotion of technological cooperation (for the benefit not only of the countries of the Commission's region but also of those of other geographical regions), for consideration by a Meeting of Governmental Experts on Scientific and Technological Cooperation held in Geneva from January 20 to 24, 1969. It was noted in the Report of this meeting that, in relation to the promotion of the transfer of technology, "there was general agreement on the value of the activities conducted by BIRPI and on the desirability of the ECE lending its support and cooperation to that organization."

The second study related to practices followed for trade in patents and licenses, with a view to finding means to promote the development of such trade, which was considered by the Committee on the Development of Trade at its eighteenth session in October 1969. It was noted in the Report on the meeting that all participants in the debate which took place with reference to the study prepared by BIRPI commended "the encouraging progress achieved by that organization in promoting international cooperation in this field."

Representatives of BIRPI also participated in meetings of the Ad Hoc Working Party on Contract Practices in Engineering, appointed by the Industry and Materials Committee of the ECE, which prepared a "Guide for Use in Drawing up Contracts Relating to the International Transfer of Know-how in the Engineering Industry."

### Computer Users' Committee (CUC)

This subcommittee of the Administrative Committee on Coordination was established in 1968 with the object of ensuring cooperation between the organizations of the UN system in the use of computer equipment. The Committee and its working groups meet in Geneva at frequent intervals; since September, 1968, BIRPI has been represented by observers.

The Working Group on Standardisation of the CUC began consideration in 1969 of the possibility of establishing, within the United Nations System, standard geographical codes for documentation purposes. The Working Group took

into account the relevant experience of ICIREPAT, Technical Committee VI of which studied the problems further at its meeting in November, 1969, with a view to the submission of additional comments to the Working Group in 1970.

## BOOK REVIEWS

### Book Reviews

BODENHAUSEN (G. H. C.). *Guide d'application de la Convention de Paris pour la protection de la propriété industrielle telle que révisée à Stockholm en 1967*. Geneva, BIRPI, 1969. - 266 p.

— *Guía para la aplicación del Convenio de París para la protección de la propiedad industrial revisado en Estocolmo en 1967*. Geneva, BIRPI, 1969. - 283 p.

BOGNÁR (Mrs. Dr. Istvan). *Árjelzők, védjegyek, eredetmegjelölések* [The Designation of Goods, Trademarks, Appellations of Origin]. Publisher: Közgazdasági és Jogi Könyvkiadó [Publishing House for Economics and Law], Budapest, 1969.

COMINELLI (Ugo). *Codice dei brevetti per invenzioni - modelli - marchi. Leggi, regolamenti e convenzioni internazionali, richiami di giurisprudenza e indicazioni bibliografiche*. Milan, G. Pirola, 1969. - 710 p. Codici delle leggi speciali.

COUNCIL OF EUROPE. *Nytt internasjonalt klassifikasjonssystem for patentskrifter*. Oslo, O. Andersens, 1969. - 17 p. Extr. Norsk Tidende for det Industrielle Rettsvern, del I patenter, No. 42, October 20, 1969.

— *Změny k MPT [Mezinárodního patentového třídění]. Sekce ... Vypracoval Provozní skupina pro třídění Výboru patentových odborníků Evropské rodny*. Prague, CE, 1969.

EMINESCU (Yolanda). *Dreptul de inventator în Republica socialistă Românie*. Bucurest, A. R. S. R., 1969. - 332 p. Academia Republicii Socialiste România. Institutul de cercetări juridice.

FINLAY (Ian F.). *Guide to foreign-language printed patents and applications*. London, Aslib, 1969. - iv-84 p.

HAERTEL (Kurt) and KRIEGER (Albrecht). *Gewerblicher Rechtsschutz. Patentrecht, Gebrauchsmusterrecht, Warenzeichenrecht, Erfinderrecht, Geschmacksmusterrecht, Wettbewerbsrecht, Kartellrecht*. Cologne, C. Heymann, 1969. - 459 p. Third edition.

HARTMANN (Antonín). *Metodika mezinárodního patentového třídění*. Prague, 1969. - 98 p. Úřadu pro patenty a vynálezy.

ICIREPAT. COMMITTEE FOR INTERNATIONAL COOPERATION IN INFORMATION RETRIEVAL AMONG EXAMINING PATENT OFFICES. Standing Committees I, II, III. 1963-1968. 3 Vol.

MESSEROTTI-BENVENUTI (R.). *Piano (II) BIRPI*. Milan, 1969. - 12 p. Convegno sui "Brevetti di invenzione." Milan, March 5, 6 and 7, 1969.

PANEL (F.). *Qu'attend l'industrie du brevet européen?* Strasbourg, 1969. - 61 p. Journées de la propriété industrielle et de la mise en valeur de la recherche, 24-26 septembre 1969. Centre de perfectionnement technique. Centre d'études internationales de la propriété industrielle.



ROTONDI (Mario). *Projet (Un) de loi-type sur les marques, les brevets et les modèles*. Padua, CEDAM, 1969. - 2 Vol., 21 + 28 p.

— *Model (A) Law on Trademarks, Patents and Models*. Padua, CEDAM, 1969. - 2 Vol., 21 + 28 p.

— *Progetto (Un) di legge tipo per i marchi, i brevetti e i modelli e disegni industriali*. Padua, CEDAM, 1969. - 2 Vol., 20 + 27 p.

RUMANIA. OFICIUL DE STAT PENTRU INVENȚII. *Legislație privind invențiile, inovațiile și raționalizările în Republica socialistă România*. Bucurest, Institutul central de documentare tehnică, 1968. - 192 p. Rumania. Direcția generală pentru metrologie, standarde și invenții.

VUARIDEL (Roger). *Marques (Les) de haute renommée et l'effet de halo. Une protection accrue est-elle justifiée?* 1969. - 29 p. Extr. Wirt-schaft und Recht, 1969, pp. 102-130.

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Gewerhlicher Rechtsschutz und Urheberrecht im zwischenstaatlichen Bereich [Industrial Property and Copyright in International Relations], by Ernst Windisch. Publisher: J. Schweitzer Verlag, Berlin, 1969. Price: 68 DM. (In German)

This book, which is one of a series of publications concerning the law of international administration and economics, deals with the law of international intellectual property conventions. It gives a systematic outline of the substantive law, evaluating its importance, taking into consideration its economic aspects and indicating the present trends of its development. As the book does not contain introductory explanations on the history and contents of the international intellectual property conventions, it is mainly designed for readers who have already some experience in this field.

The first part (pages 1 to 123) deals with some general principles governing the protection of intellectual property and the international conventions in that field. As regards the definition of intellectual property, the author makes an interesting analysis of Article 2(viii) of the Convention Establishing the World Intellectual Property Organization (pages 10 and 11). Much thought is given to the possibilities of harmonization of national laws. In this context, the draft Patent Cooperation Treaty is considered an important advance, which will facilitate the development towards harmonization of national patent laws (page 26). The

draft Patent Cooperation Treaty is also mentioned in other respects, especially as regards the problem of language differences (pages 80 *et seq.*); the author underlines the fact that sufficient publication in different languages is essential for the success of that Treaty (page 81), an aspect which is taken into account in Article 29, paragraph (2), of the draft Treaty.

The second part (pages 125 to 251) deals with particular questions concerning the international protection of intellectual property. This part is subdivided into three sections:

1. distinctive signs (for instance, trademarks);
2. inventions and plant varieties;
3. competition and copyright.

Compared with the first two sections, the third, which consists only of 9 pages, is striking in its conciseness, especially when one considers that it deals with two rather different subjects (the law of unfair competition seems to have more connection with trademarks than with copyright).

Disposing only of limited space, the author could not, of course, deal exhaustively with all the questions concerning international intellectual property protection, but he contributes a number of interesting ideas, for instance as regards the question whether the prior art effect of a patent application starts, already with the filing of the application or only with its publication (pages 189 *et seq.*). The author assesses the interests both of the general public and of the applicant and reaches the conclusion that it would be against those interests if patents were granted for inventions which do not involve an inventive step in relation to an invention which is disclosed in an earlier patent application. Accordingly, he proposes to include in the definition of prior art, in addition to all that has been made available to the public, all that is intended, through a filing with the competent authority, to be made available to the public (page 191). It is especially interesting to note that the author, taking into consideration the goals of the Paris Convention, expresses the opinion that for the prior art effect not only the national filing but also any filing in another country should be taken into account, in order to avoid divergences between the countries as regards the state of the art.

Besides this example, there are quite a few interesting points discussed which merit further consideration and, as a whole, the book, which is provided with a very useful bibliography and a great number of references, can be considered a valuable contribution to the literature in the field of international intellectual property protection. L. B.

# CALENDAR OF MEETINGS

## BIRPI Meetings

**February 24 to 27, 1970 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Bureau (2<sup>nd</sup> 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

**March 16, 1970 (Paris) — Information Meeting of International Non-Governmental Organizations**

*Object:* To appoint observers to the Ad Hoc Preparatory Committee for the Revision of the Berne Convention — *Invitations:* Interested Organizations

**April 7 to 10, 1970 (Paris) — Joint ad hoc Committee on the International Classification of Patents (3<sup>rd</sup> 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 8 to 10, 1970 (Geneva) — Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) — Technical Committee IV (Microform) (3<sup>rd</sup> Session)**

**April 13 and 14, 1970 (Geneva) — ICIREPAT — Technical Committee V (Patent Format and Printing) (3<sup>rd</sup> Session)**

**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

**April 15 to 17, 1970 (Geneva) — ICIREPAT — Technical Committee II (Technical Fields: Forward Planning) (3<sup>rd</sup> Session)**

**April 20 and 21, 1970 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems (ABCS) (12<sup>th</sup> Session)**

**April 20 to 22, 1970 (The Hague) — ICIREPAT — Technical Committee VI (Systems Implementation) (3<sup>rd</sup> Session)**

**April 22 to 24, 1970 (Geneva) — ICIREPAT — Technical Committee I (Retrieval Systems, Design and Testing) (3<sup>rd</sup> Session)**

**April 27 to 29, 1970 (Geneva) — Committee of Directors of National Industrial Property Offices of the Madrid Union (Marks)**

*Object:* Finalization and possible adoption of revised Regulations under the Madrid Agreement — *Invitations:* All member States of the Madrid Agreement (Marks)

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

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

**May 14 and 15, 1970 (Geneva) — ICIREPAT — Technical Coordination Committee (4<sup>th</sup> Session)**

**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 adoption of the Patent Cooperation Treaty (PCT)**

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

**June 23 to 25, 1970 (London) — Joint ad hoc Committee on the International Classification of Patents — Working Group V (2<sup>nd</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 Nice Union — *Observers:* All member States of the Paris Union

**September 21 to 29, 1970 (Geneva) — Administrative Bodies of WIPO and of the Paris, Berne, Nice and Lisbon Unions (Bodies to be specified later)**

*Object:* Constitution of the new organs on the basis of the entry into force of some of the Stockholm (1967) texts; elections; budget and program; other administrative questions — *Invitations:* Member States of WIPO and the Paris, Berne, Nice and Lisbon Unions — *Observers:* To be announced later

## Meetings of Other International Organizations Concerned with Intellectual Property

**March 4 to 6, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group II (1<sup>st</sup> Session)**

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

**March 16, 1970 (Paris) — United Nations Educational, Scientific and Cultural Organization (Unesco) — Information Meeting of International Non-Governmental Organizations to appoint observers to the Ad Hoc Preparatory Committee for the Revision of the Universal Copyright Convention**

**March 23 to 26, 1970 (Munich) — International Association for the Protection of Industrial Property (IAPIP) — Council of Presidents**

**April 1 to 3, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group I (4<sup>th</sup> Session)**

**April 6 to 10, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group III (1<sup>st</sup> Session)**

**April 21 to 24, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — 3<sup>rd</sup> Session**

**May 3 to 6, 1970 (Istanbul) — International League Against Unfair Competition (LICCD) — Symposium**

**May 4 to 6, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group IV (1<sup>st</sup> Session)**

**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**

**July 6 to 10, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group IV (2<sup>nd</sup> Session)**

**September 9 to 11, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group I (5<sup>th</sup> Session)**

**October 19 to 24, 1970 (Madrid) — International Association for the Protection of Industrial Property (IAPIP) — Executive Committee**

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## VACANCIES FOR POSTS IN BIRPI

Applications are invited for the following posts:

**Competition No. 116**

**Technical Assistant**

(Industrial Property Division)

Category and grade: P. 3

**Principal duties:**

The incumbent will assist in the implementation of BIRPI's technical program in the patent field, with particular emphasis on patent documentation, patent classification and information retrieval. In this connection, his duties will include:

- (a) Assistance in the preparation of BIRPI's program in the above-mentioned fields;
- (b) Assistance in the preparation of meetings organized by BIRPI, especially by preparing documents for and reports on such meetings;
- (c) Assistance in the preparation of reports on the work performed and planned in the above-mentioned field of activity;
- (d) Assistance in coordinating the work of the International Patent Institute and of the Patent Offices which participate in the technical program relating to the above-mentioned fields;
- (e) Participation in the meetings of other international organizations dealing with patent documentation, patent classification or information retrieval.

**Qualifications:**

- (a) University degree in a relevant field of science or technology or qualifications equivalent to such degree.
- (b) Good knowledge and experience in the field of information retrieval.
- (c) Excellent knowledge of English and a good working knowledge of French.

Practical experience in the processing of patent applications, especially as a patent examiner, and in dealing with documentation problems in the patent field, would be an advantage.

**Competition No. 117**

**Head of the Periodicals and Legislation Section**

(Industrial Property Division)

Category and grade: P. 3

**Principal duties:**

Under the general supervision of the Head of the Industrial Property Division, the incumbent will in particular be responsible for the following tasks:

- (a) Preparation and editing of the monthly periodicals *Industrial Property* and *La Propriété industrielle*;
- (b) Preparation of a complete collection of industrial property laws and regulations covering all countries of the world;
- (c) Studying questions concerning industrial property legislation, both as regards its national aspects (especially reform measures) and international harmonization;
- (d) Preparation of documents related to industrial property meetings and seminars;
- (e) Representation of BIRPI in international meetings.

**Qualifications:**

- (a) University degree in law or legal qualification equivalent to such degree.
- (b) Professional experience in the field of industrial property (including its international aspects).
- (c) Ability in editorial work.
- (d) Excellent knowledge of one of the official languages (English and French) and at least a good knowledge of the other. Working knowledge of other languages would be an important advantage.

\* \* \*

*As regards the two posts mentioned above:*

**Nationality:**

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

**Age limit:**

Candidates must be less than 50 years of age at date of appointment.

**Date of entry on duty:**

As mutually agreed.

**Applications:**

*Application forms* and full information regarding the *conditions of employment* may be obtained from the Head of the Administrative Division, BIRPI, 32, chemin des Colombettes, 1211 Geneva, Switzerland. Please refer to the number of the competition.

**Closing date:** March 31, 1970.