

Industrial Property

Monthly Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

and the United International Bureaux for the
Protection of Intellectual Property (BIRPI)

10th year - No. 1
JANUARY 1971

Contents

WORLD INTELLECTUAL PROPERTY ORGANIZATION

— WIPO in 1970	2
— Table of Member States on January 1, 1971	3
— Membership of the Administrative Bodies	4

INTERNATIONAL UNIONS

— The Industrial Property Unions in 1970	5
— Table of Member Countries on January 1, 1971	13
— Membership of the Administrative Bodies	22
— ICIREPAT. Plenary Committee. Second Session	23
— ICIREPAT. Technical Coordination Committee. Fifth Session	24

CONVENTIONS NOT ADMINISTERED BY WIPO

— Tables of Contracting States on January 1, 1971	
Council of Europe	25
International Patent Institute	25
African and Malagasy Industrial Property Organization	25

LEGISLATION

— OAMPI. Regulations Relating to the Restoration of Rights, 1970	26
— Denmark. Plant Variety Breeders (Protection of Rights) Law (1962, as amended in 1968)	26

GENERAL STUDIES

— The Danish Law on Plant Breeders' Rights (H. Skov)	31
--	----

BOOK REVIEWS	32
------------------------	----

CALENDAR	33
--------------------	----

Vacancies in WIPO	35
-----------------------------	----

© WIPO 1971

Any reproduction of articles and translations of laws, published in this periodical, is authorized only with the prior consent of WIPO

the United Nations and the Director General of the Organization. The texts of those letters were published in this Review (see *Industrial Property*, November 1970, page 368).

Headquarters Agreement

The Organization has concluded an agreement with the Government of the Swiss Confederation. The agreement was signed in Berne on December 9, 1970. It entered into force with retroactive effect from the date of entry into force of the Convention establishing the Organization, that is, April 26, 1970.

Headquarters Building

In 1969, the Interunion Coordination Committee set up a subcommittee to advise the Director of BIRPI on the assess-

ment of the needs of the Organization in respect of premises, on the choice of the best means of satisfying those needs and on the financing of the construction of a new building. This subcommittee met on two occasions in 1970. At its session in September 1970, the Coordination Committee of the Organization — which had replaced the old Interunion Coordination Committee — approved the subcommittee's findings concerning the characteristics of the new building, the financing of its construction and the choice of project. It also authorized the Director General to proceed with the preparation of the necessary measures, on the understanding that the final plan for the financing of the construction would be submitted to the Coordination Committee for approval at a future meeting. The planned building would be located alongside the existing building of the Organization.

Member States of the World Intellectual Property Organization as on January 1, 1971

State ¹		Deposit of instrument ²	Entry into force
Bulgaria	P R	February 19, 1970	May 19, 1970
Byelorussian SSR R	March 19, 1969	April 26, 1970
Canada	P-B A	March 26, 1970	June 26, 1970
Chad	P A	June 26, 1970	September 26, 1970
Czechoslovakia	P-B A	September 22, 1970	December 22, 1970
Denmark	P-B R	January 26, 1970	April 26, 1970
Finland	P-B R	June 8, 1970	September 8, 1970
German Democratic Republic ³	P ³ .B ³ A ³	June 20, 1968	April 26, 1970
Germany (Federal Republic)	P-B R	June 19, 1970	September 19, 1970
Hungary	P-B R	December 18, 1969	April 26, 1970
Ireland	P-B S	January 12, 1968	April 26, 1970
Israel	P-B R	July 30, 1969	April 26, 1970
Malawi	P A	March 11, 1970	June 11, 1970
Romania	P-B R	February 28, 1969	April 26, 1970
Senegal	P-B R	September 19, 1968	April 26, 1970
Soviet Union	P R	December 4, 1968	April 26, 1970
Spain	B R	June 6, 1969	April 26, 1970
Sweden	P-B R	August 12, 1969	April 26, 1970
Switzerland	P-B R	January 26, 1970	April 26, 1970
Ukrainian SSR R	February 12, 1969	April 26, 1970
United Kingdom	P-B R	February 26, 1969	April 26, 1970
United States of America	P R	May 25, 1970	August 25, 1970

¹ "P" means State having ratified or acceded to the administrative provisions of the Stockholm Act of the *Paris* Convention;
"B" means State having ratified or acceded to the administrative provisions of the Stockholm Act of the *Berne* Convention.

² "S" means *signature* without reservation as to ratification;

"R" means *ratification*;

"A" means *accession*;

(see Article 14(1) of the Convention establishing the Organization).

³ The validity of this accession is contested by a number of Member States.

Declarations made under Article 21(2) of the Convention Establishing the World Intellectual Property Organization

The States listed below had, by January 1, 1971, availed themselves of Article 21(2)(a) of the Convention, which enables them to exercise, until April 26, 1975, the same rights as if they had become party to the Convention Establishing the World Intellectual Property Organization:

Algeria	Holy See	Poland
Argentina	Italy	Portugal
Belgium	Ivory Coast	South Africa
Brazil	Japan	Syria
Cameroon	Luxembourg	Tunisia
Cuba	Malta	Turkey
Dahomey	Morocco	United Arab Republic
France	Netherlands	Upper Volta
Gabon	Niger	Yugoslavia
Greece	Norway	

Membership of the Administrative Bodies

On January 1, 1971, the membership of the administrative bodies of the World Intellectual Property Organization was as follows:

General Assembly: *Algeria, *Argentina, *Belgium, *Brazil, Bulgaria, *Cameroon, Canada, Chad, *Cuba, Czechoslovakia, *Dahomey, Denmark, Finland, *France, *Gabon, German Democratic Republic¹, Germany (Federal Republic), *Greece, *Holy See, Hungary, Ireland, Israel, *Italy, *Ivory Coast, *Japan, *Luxembourg, Malawi, *Malta, *Morocco, *Netherlands, *Niger, *Norway, *Poland, *Portugal, Romania, Sene-

gal, *South Africa, Soviet Union, Spain, Sweden, Switzerland, *Syria, *Tunisia, *Turkey, *United Arab Republic, United Kingdom, United States of America, *Upper Volta, *Yugoslavia.

Conference: The same States as above, with Byelorussian SSR and Ukrainian SSR.

Coordination Committee: ORDINARY MEMBERS: Argentina, Brazil, Cameroon, Canada, France, Germany (Federal Republic), Hungary, Italy, Japan, Pakistan, Romania, Senegal, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America. ASSOCIATE MEMBERS: Australia, Ceylon, Congo, India, Kenya, Mexico, Philippines, Poland.

* Member of the relevant body until April 26, 1975.

¹ The validity of the instrument of accession deposited by the German Democratic Republic is contested by a number of Member States.

(4) Administrative Meetings

From September 21 to 28, 1970, the following meetings were held in Geneva:

- (a) the first ordinary session of the Assembly set up under the Stockholm Act of the Convention. The meeting included delegations from 38 countries party to the Stockholm Act or exercising the same rights as parties by reason of the notification provided for in Article 30 of the Act;
- (b) the third ordinary session of the Conference of Representatives set up under the Lisbon Act of the Convention. The meeting included the plenipotentiaries of 17 countries still bound by that Act;
- (c) the sixth ordinary session of the Executive Committee of the Paris Union, at which 15 out of the 16 member countries of the Committee met.

These meetings adopted or approved the program and budget of the Paris Union for 1971 to 1973. They fixed the ceiling of contributions at 2,000,000 Swiss francs for 1971, 2,200,000 Swiss francs for 1972 and 2,400,000 Swiss francs for 1973. Decisions were also taken concerning the Organizational Rules of ICIREPAT, the covering of the expenses incurred by the International Bureau in connection with the establishment of the administration for the Patent Cooperation Treaty, and the construction of a new building for the International Bureau.

II

Patent Cooperation Treaty (PCT)

(1) Adoption of the Treaty and its Regulations by the Washington Diplomatic Conference

The Patent Cooperation Treaty was adopted by the Washington Diplomatic Conference, which was held from May 25 to June 19, 1970.

Delegations of 78 States and representatives of 22 international organizations participated in the work of the Conference. Of the 78 States, 55 were members of the Paris Union. Of the 22 international organizations, 11 were intergovernmental and 11 were nongovernmental.

The subjects discussed were: the drafts of the Treaty and the Regulations (Documents PCT/DC/4 and 5) which had been prepared by the International Bureau and circulated to governments and international organizations, as well as to private circles, on July 11, 1969; the written comments on the above drafts made by 17 States and 9 international organizations and published by the International Bureau in document form; two documents (PCT/DC/11 and 12) prepared by the International Bureau following a meeting of a Preliminary Study Group, which had been held from March 9 to 19, 1970, in Geneva and in which the delegations of 40 States and representatives of 9 intergovernmental and 11 nongovernmental organizations took part; and the amendments — numbering more than one hundred — which had been proposed in writing, during the Conference, by the delegations of 35 States.

The Patent Cooperation Treaty and the annexed Regulations were unanimously adopted on June 17, 1970. Forty-

seven States members of the Paris Union had the right to vote; forty-four voted for and none against. When abstentions were called for, no delegation came forward.

On June 19, 1970, the Treaty was opened for signature and on that day it was signed by 20 States. The Treaty remained open for signature until December 31, 1970. Fifteen more States have signed the Treaty, the total number of signatory States being 35. They are the following: Algeria, Argentina, Austria, Belgium, Brazil, Canada, Denmark, Finland, France, Germany (Federal Republic), Holy See, Hungary, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Madagascar, Monaco, Netherlands, Norway, Philippines, Romania, Senegal, Soviet Union, Sweden, Switzerland, Syria, Togo, United Arab Republic, United Kingdom, United States of America, Yugoslavia.

(2) System under the Treaty

The Treaty provides for the filing of an "international application" where protection is sought for an invention in several countries. The formalities of the international application are regulated in detail. Filing of such applications has the same effect as if applications had been filed separately in each of the countries in which protection is desired.

The international application is then subjected to a search to discover "prior art" and also, if specially requested by the applicant, to a preliminary examination to find out whether the invention seems to be new, non-obvious, and industrially applicable.

Once the relevant reports are established — and not before — the application is processed separately in the various countries, each of which will then grant or refuse protection.

The international application, together with the international search report, is published generally upon the expiration of 18 months from the date of filing of the first application.

This procedure has great advantages over the present procedures, not only for the applicant and the national Offices but also for the general public.

It offers advantages to the applicant because it allows him to decide whether he wishes to pursue his application in several countries at a time when, thanks to the international search report, he is in a better position to judge whether the expenses of proceeding in those countries are justified. The procedure under the PCT is also to the advantage of the national Offices, because the fact of receiving an international search report, or even an international preliminary examination report, together with the application greatly reduces, if not entirely eliminates, their tasks of searching or examining. For the general public, the advantage lies in being able to see the application published together with the international search report and thus be in a better position to understand the invention and evaluate the chances it has of protection.

The Treaty will require close cooperation among national Offices in the field of scientific documentation. In order to enable such documentation to be tapped for the promotion of the industrialization of developing countries, the Treaty provides for special machinery and cooperation with the

United Nations bodies concerned with technical assistance. Thus, the Treaty is designed to be specially useful for developing countries.

(3) Preparatory Measures

It is to be noted that the Washington Diplomatic Conference also adopted, unanimously, a Resolution concerning preparatory measures for the entry into force of the Patent Cooperation Treaty, the text of which is published, together with that of the Treaty and Regulations, in *Industrial Property*, August 1970, page 306.

This Resolution was unanimously endorsed by the Assembly, the Conference of Representatives, and the Executive Committee of the Paris Union at their joint session held in September 1970 in Geneva, which decided that all signatory States of the Patent Cooperation Treaty would be members of the three Interim Committees referred to in the Resolution (the Interim Committee for Technical Assistance, the Interim Committee for Technical Cooperation and the Interim Advisory Committee for Administrative Questions) and adopted certain organizational measures on its implementation.

The text of the Treaty, the Regulations and of the Resolution as well as a series of post-conference documents spelling out the history of the PCT, its structure, objectives and advantages (PCT/PCD/1 to 4) were also published by the International Bureau.

III

Technical Assistance

(1) Model Laws

Following the meeting of the Committee of Experts from developing countries, held in October 1969, the International Bureau established the final text of the *Model Law for Developing Countries on Industrial Designs* and the accompanying commentary.

The French version of this text was published and circulated in December 1970 to governments and interested international organizations as well as to the participants in the Committee of Experts. The English and Spanish versions will be published in early 1971.

(2) Training Program

In 1970, the International Bureau continued its technical assistance program intended for government officials of developing countries, in cooperation with the competent authorities of member countries of the Paris Union. Training periods, of two to three months, were organized in 1970 for seven government officials in developing countries.

IV

ICIREPAT

(1) Participants

Pursuant to the declaration made on September 26, 1970, by Romania, the following 21 countries are now participating countries of the Paris Union Committee for International

Cooperation in Information Retrieval Among Patent Offices (ICIREPAT): Australia, Austria, Canada, Czechoslovakia, Denmark, Finland, France, Germany (Federal Republic), Hungary, Ireland, Israel, Japan, Netherlands, Norway, Romania, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America. Poland has expressed the desire to become a participating country but has not yet made the necessary formal declaration.

(2) Plenary Committee

The principal body of ICIREPAT, the Plenary Committee (PLC), held its second session in Geneva from September 16 to 18, 1970 (see below). The PLC reviewed the past and current activities of ICIREPAT by approving the decision taken in this respect by the Technical Coordination Committee (TCC), and discussed the program of ICIREPAT for 1971 and 1972.

In this context the PLC approved several recommendations concerning the shared systems procedure as well as a number of recommendations standardizing the recording of patent and like documents on microforms. Further recommendations approved by the PLC at this occasion dealt with uniform methods for designating calendar dates and for recording the symbols of the International Patent Classification (Int. Cl.), and with the standardization of the magnetic tape to be used as carrier medium for multilateral exchange of data. The PLC proceeded also to an assessment of the shared systems program and decided that substantial revision of the procedure for development of systems was necessary.

(3) Technical Coordination Committee

The fourth session of the Technical Coordination Committee (TCC) was held in Geneva on May 12 and 13, 1970. The TCC adopted the rules of procedure of the Technical Committees, discussed a series of suggestions put forward by the Technical Committees passing them on to the PLC for approval (see (2) above) and prepared proposals for the ICIREPAT program for 1971 (see *Industrial Property*, July 1970, page 219). The fifth session of the TCC was held in Geneva from December 7 to 9, 1970. The TCC discussed, on the basis of a document prepared by the Advisory Board for Cooperative Systems (ABCS), a revised version of the first two stages of the procedure for development and use of shared systems. The TCC, while agreeing with this proposed revision, invited the ABCS to proceed further and also revise the other stages of the procedure. The TCC decided also to replace the six Technical Committees by three Technical Committees dealing respectively with: Shared Systems, Standardization and Computerization. It was decided to maintain the ABCS as a special working group, at least until the revision of the procedure for shared systems has been effected.

The TCC furthermore adopted several recommendations forwarded by the Technical Committees which concerned the preparation of abstracts of patent documents and their use, the extension of the punching of microforms, and a general magnetic tape format for multilateral exchange between Patent Offices of shared-use-system and like information.

(4) *Technical Committees and Advisory Board for Cooperative Systems*

Four Technical Committees (TCs) of ICIREPAT and the ABCS met in Geneva between April 8 and 24, 1970. One TC met in The Hague, from April 20 to 22, 1970. All six TCs and the ABCS met in Geneva between October 12 and 30, 1970. At these meetings, the TCs continued their work in accordance with their mandates elaborating the recommendations referred to in (2) and (3) above. Recommendations dealing with the minimum of bibliographic data to appear on the first page of patent or like documents or in entries in official gazettes and their identification, with the layout and presentation of the first page of patent or like documents as well as with the exclusive use of white paper when printing such documents, are under consideration.

V

International Patent Classification

(1) *Joint Ad Hoc Committee*

In 1970, the third and fourth sessions of the Joint ad hoc Committee between the Council of Europe and WIPO were held. The object of the Committee is to ensure, for a transitional period, a common administration and a more general application of the International Classification and to prepare a revision of the European Convention on the International Classification of Patents for Invention, with the aim of transforming it into a Special Agreement within the framework of the Paris Union.

In its third session, held in Paris from April 7 to 10, 1970, the Joint ad hoc Committee examined a Draft Agreement concerning the International Patent Classification, prepared by the International Bureau and the Secretariat General of the Council of Europe. The Committee proposed various amendments to the Draft Agreement.

The fourth session of the Committee, held in Madrid from October 6 to 9, 1970, was devoted to the actual administration of the Classification. For the execution of the technical work involved in such administration, the Committee had set up, in 1969, five Working Groups and a Bureau consisting of the Chairmen of the Working Groups, which operates as a coordination committee. These technical bodies held a first series of meetings during the first half of 1970. The most important of their tasks concern the reclassification of patents issued in the past and the uniform application of the Classification and its revision. In its fourth session, the Committee examined the first results of the work of its technical bodies and gave directions concerning future action. The technical bodies are now to meet twice a year for the continuation of their program.

(2) *Preparation of the Diplomatic Conference*

The preparatory work for the Strasbourg Diplomatic Conference on the International Classification of Patents, to be held from March 15 to 24, 1971, was continued during 1970.

On the basis of the observations of the Joint ad hoc Committee, the International Bureau and the Secretariat General of the Council of Europe amended the Draft Agreement, pro-

vided it with a historical introduction and commentary and issued it as a preparatory Paper for the Strasbourg Diplomatic Conference (Document IPC/DC/2). The Draft is inspired by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, the Locarno Agreement Establishing an International Classification for Industrial Designs and the European Convention on the International Classification of Patents for Invention. At the administrative level, the Draft provides for the establishment of a Special Union within the framework of the Paris Union and adopts, in their essence, the administrative and final provisions of the other Special Agreements. For its substance, the draft provides that the countries of the Special Union are to adopt and apply the International Classification as their principal system or auxiliary system; however, countries which have neither an examination as to novelty of inventions nor a search into the state of the art may reserve the right not to use the symbols relating to groups and subgroups in the International Classification. The Draft also provides that the International Classification is the one currently in force under the European Convention, subject to any amendments. The Draft finally provides for the setting up of a Committee of Experts which, principally, will have the power to make amendments and additions to the Classification.

In June 1970, the Director General of WIPO and the Secretary General of the Council of Europe sent the Draft to the member countries of the Paris Union and invited them to take part in the Strasbourg Diplomatic Conference. The other Member States of WIPO and the United Nations or one of its Specialized Agencies, as well as several intergovernmental or international nongovernmental organizations were invited to take part in the Conference as observers.

A number of countries and international organizations presented observations concerning the proposed Agreement. These will be assembled in one document to be circulated at the beginning of 1971 (Document IPC/DC/4).

VI

United Nations

In the course of 1970 BIRPI and WIPO continued and extended their cooperation with the United Nations and the organizations of the United Nations system, and WIPO concluded a formal working agreement with the United Nations. BIRPI or WIPO was represented by observers at meetings of the following bodies:

1. *The Economic and Social Council*, which, at its 49th session, decided to defer consideration of two matters of concern to BIRPI and WIPO.

The subject of future institutional arrangements for science and technology was deferred for decision at the 51st session of the Council. In its resolution to this effect the Council reiterated the need for the establishment of intergovernmental machinery in the said field within the framework of the United Nations, while recognizing that so far no consensus or majority opinion had emerged on the place and role of any such machinery to be set up.

The Council also deferred to a later session consideration of a report of the Secretary-General on the application of computer technology for development, while at the same time requesting the organizations concerned (including WIPO) to continue to assist the Secretary-General in the study of the problems (this question is dealt with more fully under the heading "Advisory Committee on the Application of Science and Technology to Development").

2. *The Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD)*, which, at its 10th session, adopted unanimously a resolution entrusting UNCTAD "within its competence" in the field of transfer of technology, with specific tasks, including the identification of obstacles which may limit the transfer of technology to developing countries, foreign exchange costs involved in the transfer of technology, and consideration of licensing and similar arrangements. In performing these functions, the resolution requires UNCTAD to cooperate and coordinate with other bodies in the United Nations system and other international organizations with the aim of avoiding any overlapping and unnecessary duplication of activities in this field. The same resolution decided to establish an "Intergovernmental Group on Transfer of Technology," which will hold two substantive sessions before its work becomes the subject of a major review by the Board.

3. *The Industrial Development Board of the United Nations Industrial Development Organization (UNIDO)* which, at its 4th session, adopted a report emphasizing the need for cooperation between UNIDO and other international organizations concerned, such as BIRPI, in the field of activity relating to industrial property. Discussions have taken place between the Director General of WIPO and the Executive Director of UNIDO upon the best means of implementing such cooperation. WIPO was also represented at a UNIDO meeting of governmental experts on licensing practices.

4. *The Advisory Committee on the Application of Science and Technology to Development* which, at its 13th session, entrusted to a Working Group on Computer Technology the task of advising the Secretary-General of the United Nations upon the preparation of a report to be submitted to the General Assembly on "The Application of Computer Technology for Development." WIPO was also represented at the meeting of the said Working Group, which advised that the report should include a recommendation that WIPO should be requested to study, with the assistance of governmental experts, questions of the most appropriate form of legal protection for computer software and of international arrangements in this field. In accordance with the decision of the Economic and Social Council referred to above, preparatory work relating to this study was begun in 1970. WIPO was also represented at meetings of the Advisory Committee's Working Groups on Industry and Transfer of Technology and for the preparation of a document concerning the World Plan of Action for the Application of Science and Technology to Development.

5. *The Working Group on Direct Broadcast Satellites of the Committee on the Peaceful Uses of Outer Space*, which, at its 3rd session, made recommendations to Unesco and WIPO concerning the joint studies being undertaken in the matter of copyright and neighboring rights problems arising from satellites communications.

6. *The International Law Commission*, which, at its 22nd session, decided to defer detailed consideration of the question of succession of states to multilateral treaties.

7. *The Economic Commission for Europe*, at whose request WIPO presented papers before the Committee on the Development of Trade and a meeting of governmental experts on scientific and technology cooperation.

8. *The United Nations Commission of International Trade Law*, to whose 3rd session WIPO submitted an up-dated report on "Training and Assistance in the field of International Trade Law."

9. *The Computer Users Committee* and the Subcommittee for Science and Technology, both subordinate bodies of the Administrative Committee on Coordination.

10. In addition, BIRPI and WIPO maintained and developed their place contacts with the relevant department of the secretariats of the various bodies of the United Nations System.

VII

Other Matters

(1) *European Patent*

The International Bureau was represented at the Intergovernmental Conference held in January 1970 and at some Working Group meetings, in particular those concerning the text of the Convention itself, the Regulations, financial questions and fees. The principal object of the International Bureau's participation was to ensure the harmonization of the European drafts with the Patent Cooperation Treaty.

(2) *Publications*

The following publications, in particular, were issued in the course of 1970:

- (a) the Model Law for Developing Countries on Industrial Designs, in French;
- (b) the English and French texts of the Patent Cooperation Treaty and Regulations;
- (c) the Russian text of the Stockholm Act of the Paris Convention;
- (d) a new up-dated edition of the Directory of National Industrial Property Offices;
- (e) a new up-dated edition of the report on the Transfer of Technology and Licensing Opportunities, in English and French;
- (f) a report on the Teaching of the Law of Industrial Property and Copyright at Universities and Other Institutions, in English and French.

VIII

Union for the Protection of New Plant Varieties

(1) *State of the Union*

At the end of 1970, the Union for the Protection of New Plant Varieties (UPOV) consisted of the following four member States: Denmark, Germany (Federal Republic), the Netherlands, and the United Kingdom.

(2) *Council of UPOV*

The Council of UPOV held its fourth meeting in Geneva on October 28 and 29, 1970. Besides the member States, two signatory States attended in an observer capacity as well as representatives from certain other interested States which had been invited to send observers. Apart from administrative matters, such as the accounts for 1969, the budget for 1971 and the questions mentioned in item (3) below, the Council made decisions on questions concerning denominations of new plant varieties under Article 13 of the Convention establishing the Union, and took preparatory steps with a view to international cooperation in the field of new plant varieties. Progress in the field of legislation concerning the protection of plant breeders' rights was reported in several non-member States.

(3) *Administrative and Financial Questions*

The draft administrative and financial regulations, which according to Article 20(2) of the Convention would be adopted after consultation with the Government of the Swiss Confederation, had been agreed upon by the Council at its third meeting in October 1969 (see *Industrial Property*, January 1970, p. 8) and submitted to the Swiss Government, which approved them on March 3, 1970. At its fourth meeting the Council adopted these regulations.

Both the administrative regulations and the financial regulations provide that the BIRPI rules (that is, the Staff Regulations and Staff Rules and the Financial Regulations and Rules implementing these regulations) shall apply *mutatis mutandis* to UPOV, subject to certain special provisions laid down for UPOV, which are due to minor differences of organization.

The rules for technical and administrative cooperation between UPOV and BIRPI laid down on October 21, 1969, by the Swiss Government after consultation with the Unions concerned (see *Industrial Property*, 1970, p. 8) establish a post of Vice-Secretary-General. The Consultative Working Committee of the Council decided at its meeting on March 3, 1970, to recommend to the Council that the post should be offered to Mr. Halvor Skov (Denmark). The recommendation was accepted. By Decree of June 10, 1970, the Swiss Federal Council appointed Mr. Skov Vice-Secretary-General of UPOV with effect from August 1, 1970.

(4) *Working Group on Variety Denominations*

The Working Group on Variety Denominations has met twice (Bonn, February 24 and 25, 1970, and Geneva, October 26 and 27, 1970). Technical Working Parties which study the

question of the examination of new plant varieties have met in different places or made progress by correspondence. As already mentioned, the Consultative Working Committee met in Geneva on March 3, 1970.

IX

Madrid Agreement
for the Repression of False or Deceptive Indications
of Source on Goods(1) *Contracting Countries*

At the end of 1970, the Agreement grouped 30 or 29⁷ countries, of which 15 or 14⁸ are bound by the 1958 Lisbon Act, 12 by the 1934 London Act, and 3 by the 1925 Hague Act (see table of contracting countries, below).

(2) *Additional Act of Stockholm: Ratifications and Accession; Entry into Force*

In 1970, Switzerland and Germany (Federal Republic) ratified the Additional Act of Stockholm. Their instruments of ratification were deposited on January 26, 1970, and June 19, 1970, respectively. Czechoslovakia acceded to the Additional Act; its instrument of accession was deposited on September 22, 1970. The Additional Act of Stockholm, pursuant to the provisions of Article 5(1), entered into force on April 26, 1970, the date of entry into force of the Stockholm Convention Establishing the World Intellectual Property Organization. At the end of 1970, 9 or 8⁹ countries were bound by the Additional Act.

X

Madrid Union
for the International Registration of Marks(1) *State of the Union*

(a) *Nice Act.* — In 1970, Austria and Morocco ratified the 1957 Nice Act, with effect from February 8, 1970, for Austria, and December 18, 1970, for Morocco.

At the end of 1970, of the 22 or 21¹⁰ member countries of the Madrid Union, only the Republic of Vietnam remained bound by the 1934 London Act (see table of contracting countries, below).

(b) *Stockholm Act: Ratifications and Accession; Entry into Force.* — In 1970, Switzerland and Germany (Federal Republic) ratified the Stockholm Act; their instruments of ratification were deposited on January 26, 1970, and June 19, 1970, respectively. Czechoslovakia acceded to the Stockholm Act; its instrument of accession was deposited on September 22, 1970. The Stockholm Act, pursuant to the provisions of Article 14(4)(a), entered into force on September 19, 1970,

⁷ Depending upon whether or not the German Democratic Republic is considered a party to the Agreement. Contracting countries disagree on this question.

⁸ See Note 7.

⁹ See Note 7.

¹⁰ Depending upon whether or not the German Democratic Republic is considered a party to the Agreement. Contracting countries disagree on this question.

or December 22, 1970, depending upon whether or not the validity of the instrument deposited in 1968 by the German Democratic Republic is accepted. At the end of 1970, 6 or 5¹¹ countries were bound by the Stockholm Act.

(c) *Notifications based on Article 18(2) of the Agreement.* — The following countries addressed to the Director General the notification provided under Article 18(2) of the Stockholm Act and are thereby enabled to exercise the rights provided for in Articles 10 to 13 of the Act until the expiry of a five-year period beginning on the date of entry into force of the Convention establishing WIPO — in other words, until April 26, 1975: France, Italy, Luxembourg, Morocco, Netherlands, Portugal, Spain and Yugoslavia.

(d) *Application of Article 3^{bis} of the Agreement.* — In 1970, Austria, Hungary, Morocco and Czechoslovakia invoked the benefit of Article 3^{bis} of the Madrid Agreement (Nice and Stockholm Acts), with effect from February 8, 1970, October 30, 1970, December 18, 1970, and April 14, 1971, respectively. 16 or 15¹¹ countries now benefit from this conventional provision.

(e) *Notification in accordance with Article 9^{quater} of the Agreement - Benelux.* — Belgium, Luxembourg and the Netherlands notified the Swiss Government, on June 4 and 8, 1970, that a common Office would be substituted, with effect from January 1, 1971, for the national Office of each of them, and that the whole of their territories in Europe would be deemed to be a single country for the application of the provisions of the Madrid Agreement, in particular Article 3^{bis}, Article 8(2)(c) and Article 8(4), (5) and (6).

(2) *Revision of the Regulations*

In the course of two extraordinary sessions held in Geneva from January 19 to 23, 1970, and April 27 to 29, 1970, the Committee of Directors of the National Industrial Property Offices of Member Countries of the Madrid Union adopted new regulations, dated April 29, 1970. The new regulations, entering into force on October 1, 1970, ensure the execution of both the Nice and the Stockholm Acts, and also — through the transitional provisions — the execution of the London Act (see *Industrial Property*, March and July 1970, pages 81 and 209).

(3) *Revision of the Madrid Agreement*

Following studies begun in 1969, in accordance with a decision of the Interunion Coordination Committee taken at its September 1968 session, a Committee of Experts, to which all the member countries of the Special Union had been invited — as well as a number of other countries which had shown interest in the international registration of marks, met in Geneva from April 13 to 16, 1970. 15 member countries of the Union and 7 non-member countries took part.

The purpose of the meeting was to have a preliminary discussion on the possible revision of the Madrid Agreement and to inform the International Bureau on the wishes and probable attitudes of countries which were already members

of the Special Union and of others which had shown interest in the international registration of marks. The Committee studied the principal questions which might arise in the event of revision, on the basis of a report prepared by the International Bureau (Document MM/I/2). It thus built a very useful basis for the continuation of the work (see *Industrial Property*, June 1970, page 164).

(4) *Statistics*

The total number of registrations in 1970 was 10,731, to which 2,329 renewals, effected in accordance with the provisions of the Nice and Stockholm Acts, should be added. The total number of registrations and renewals was therefore 13,060, as against 12,989 in 1969.

XI

Hague Union

for the International Deposit of Industrial Designs

(1) *State of the Union*

At the end of 1970, all of the 15 or 14¹² member countries of the Union were bound by the 1934 London Act. Belgium, France, Germany (Federal Republic), Liechtenstein, Monaco, Netherlands, Spain and Switzerland were also bound by the Additional Act of Monaco (see table of contracting countries, below).

Up to now, three countries have ratified the 1960 Hague Act: France, Liechtenstein and Switzerland. Failing the required number of ratifications or accessions, this Act is not yet in force.

Switzerland and Germany (Federal Republic) ratified the Complementary Act of Stockholm. Their instruments of ratification were deposited on January 26, 1970, and June 19, 1970, respectively.

(2) *Statistics*

During 1970, the number of international deposits was 2,389, as against 2,301 in 1969.

Open deposits numbered 1,447 and sealed deposits, 942. A total of 35,490 objects were deposited, of which 1,268 were simple deposits and 34,222, multiple deposits.

Of the 35,490 objects deposited, 22,040 were two-dimensional (dessins) and 13,450, three-dimensional (modèles).

XII

Nice Union

for the International Classification of Goods and Services for the Purposes of the Registration of Marks

(1) *State of the Union*

(a) *Member Countries.* — At the end of 1970, the Nice Agreement grouped 26 or 25¹³ member countries (see table of contracting countries, below).

¹² Depending upon whether or not the German Democratic Republic is considered a party to the Agreement. Contracting countries disagree on this question.

¹³ Depending upon whether or not the German Democratic Republic is considered a party to the Agreement. Contracting countries disagree on this question.

¹¹ See Note 10.

(b) *Stockholm Act: Ratifications and Accession; Entry into Force.* — In 1970, Denmark, Switzerland and Germany (Federal Republic) ratified the Stockholm Act; their instruments of ratification were deposited by Denmark and Switzerland, on January 26, 1970, and by Germany (Federal Republic) on June 19, 1970. Czechoslovakia acceded to the Stockholm Act; its instrument of accession was deposited on September 22, 1970. The Stockholm Act, pursuant to the provisions of Article 9(4)(a), entered into force on November 12, 1969, or March 18, 1970, depending upon whether or not the validity of the instrument deposited in 1968 by the German Democratic Republic is accepted. At the end of 1970, 10 or 9¹⁴ countries were bound by the Stockholm Act.

(c) *Notifications based on Article 16(2) of the Agreement.* — The following countries addressed to the Director General the notification provided under Article 16(2) of the Stockholm Act and are thereby enabled to exercise the rights provided for in Articles 5 to 8 of the Act until the expiry of a five-year period beginning on the date of entry into force of the Convention establishing WIPO — in other words, until April 26, 1975: Belgium, France, Italy, Morocco, Netherlands, Norway, Portugal, Spain and Yugoslavia.

(2) *Committee of Experts for the International Classification of Goods and Services*

This Committee, set up under Article 3 of the Nice Agreement, met in Geneva from July 1 to 10, 1970. It introduced into the International Classification a large number of amendments, additions and deletions. In view of the numerous changes which have taken place since 1963, when the original French-language version was published, the International Bureau decided to bring out completely new French editions of the list of classes, the alphabetical list of goods and services (excluding the alphabetical list of goods and services grouped by classes), and the explanatory notes (see *Industrial Property*, October 1970, page 337).

(3) *Draft International Classification of the Figurative Elements of Marks*

A working group consisting of eight countries which had shown interest in the question and three international non-governmental organizations met in Geneva from May 11 to 15, 1970. The Working Group drew up a draft international classification of the figurative elements of marks, on the basis of a preliminary draft prepared by the International Bureau. The draft comprises 29 classes, divided into divisions and sections, a large number of classes, divisions and sections being supplemented with explanatory notes. There are plans to convene a Committee of Experts whose principal task will be to examine the legal aspects of the classification, and especially the question of their possible incorporation in a convention (see *Industrial Property*, July 1970, page 218).

XIII

Lisbon Union for the Protection of Appellations of Origin and their International Registration

(1) *State of the Union*

(a) *Member Countries.* — At the end of 1970, the Lisbon Agreement grouped nine countries (see table of contracting countries, below).

(b) *Stockholm Act*¹⁵. — In 1970, Czechoslovakia acceded to the Stockholm Act. Its instrument of accession was deposited on September 22, 1970.

(c) *Notifications based on Article 18(2) of the Agreement.* — The following countries addressed to the Director General the notification provided under Article 18(2) of the Stockholm Act and will thus be able to exercise the rights provided for in Articles 9 to 12 of the Act until the expiry of a five-year period beginning on the date of entry into force of the Convention establishing WIPO — in other words, until April 26, 1975: France, Italy and Portugal.

(2) *Council of the Lisbon Union*

The Council established by the Lisbon Agreement held its fifth ordinary session at Geneva on September 26, 1970 (see *Industrial Property*, November 1970, page 367).

In particular, the Council requested the International Bureau to assemble in a summary report, to be communicated to the countries of the Union, the replies received or still to be received in its inquiry among the Administrations of member countries of the Union in order to collect information on the formalities for appeal against decisions in the field of appellations of origin.

The Council also expressed its views on four points concerning the practical application of the Lisbon Agreement. These points relate to the definition of an appellation of origin, the designation of the owners of the right to an appellation of origin, the enlargement of the circle of owners of the right to an appellation of origin and appellations of origin common to several countries.

(3) *Statistics*

During 1970, WIPO effected 33 registrations of appellations of origin: 2 came from Czechoslovakia, 1 from France, 16 from Hungary and 14 from Italy.

XIV

Locarno Agreement Establishing an International Classification for Industrial Designs¹⁶

(1) *Ratifications and Accession*

In 1970, Sweden and Czechoslovakia ratified the Locarno Agreement; their instruments of ratification were deposited on July 7, 1970, and August 4, 1970, respectively. Ireland

¹⁴ See Note 13.

¹⁵ The Stockholm Act is not yet in force.

¹⁶ The Locarno Agreement is not yet in force.

accessed to the Locarno Agreement; its instrument of accession was deposited on July 9, 1970. The Agreement is not yet in force.

(2) Provisional Committee of Experts

This Committee, established by the resolution adopted on October 7, 1968, by the Locarno Conference, met in Geneva from November 30 to December 4, 1970. The Committee studied the list of classes and subclasses annexed to the Locarno Agreement and made some amendments to it. It also drew up explanatory notes for numerous classes and subclasses. It decided, in addition, that the draft alphabetical list of goods, which had been submitted to it by the International Bureau, would be further completed and amended on the basis of proposals and observations which have been submitted to the International Bureau or may still be submitted until January 31, 1971.

XV

The following table shows the situation of the Acts in force at the end of 1970 (see also "Member Countries of the Industrial Property Unions," below).

Table of Contracting Countries

Instrument	Number of Contracting Countries					
	Total	Bound by the Act of				
		Stockholm 1967	Lisbon 1958	Nice 1957	London 1934	The Hague 1925
Paris Convention . . .	79 ¹	16 ²	39	NA	21	3
Madrid Agreement / Indications of Source .	30 ¹	9 ^{1,3}	15 ¹	NA	12	3
Madrid Agreement / Marks	22 ¹	6 ¹	NA	15	1	0
Hague Agreement . . .	15 ¹	0 ⁴	NA	NA	15 ^{1,5}	0
Nice Agreement	26 ¹	10 ¹	NA	16	NA	NA
Lisbon Agreement . . .	9	0 ⁶	9	NA	NA	NA

NA: Not applicable.

¹ Or one less if the German Democratic Republic is not considered a party. Contracting countries disagree on this question.

² This figure relates to the number of countries which have accepted the substantive articles (1 to 12) of the Stockholm Act.

³ Since the Stockholm Act is an additional Act, these 9 countries are included in the figure for countries bound by the Lisbon Act.

⁴ The Complementary Act of Stockholm is not yet in force; two countries have accepted it.

⁵ Additional Act of Monaco (1961): 8.

⁶ The Stockholm Act is not yet in force; three countries have accepted it.

Member Countries of the Industrial Property Unions as on January 1, 1971

I

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

founded by the Paris Convention (1883), revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Lishon (1958), and Stockholm (1967)

Member Country **	Class chosen	Date on which adhesion to the Union took effect	Latest Act by which the Country is bound and date on which it became bound
Algeria	IV	March 1, 1966	Lisbon: March 1, 1966
Argentina ¹	III	February 10, 1967	Lisbon: February 10, 1967
Australia ^{2,3}	III	October 10, 1925	London: June 2, 1958
Austria	IV	January 1, 1909	Lisbon: November 30, 1969
Belgium ¹	III	July 7, 1884	Lisbon: August 21, 1965
BRAZIL ¹	III	JULY 7, 1884	THE HAGUE: OCTOBER 26, 1929
Bulgaria	V	June 13, 1921	Stockholm: May 19 or 27, 1970 ⁴ (substance) † May 27, 1970 (administration) ††
Cameroon ^{1,2}	VI	May 10, 1964	Lisbon: May 10, 1964
Canada ²	II	June 12, 1925	London: July 30, 1951 Stockholm: July 7, 1970 ⁵ (administration) ††
Central African Republic ²	VI	November 19, 1963	Lisbon: November 19, 1963
Ceylon ²	VI	December 29, 1952	London: December 29, 1952
Chad ²	VI	November 19, 1963	Stockholm: September 26, 1970
Cuba ¹	VI	November 17, 1904	Lisbon: February 17, 1963
Cyprus	VI	January 17, 1966	Lisbon: January 17, 1966
Czechoslovakia	IV	October 5, 1919	Stockholm: December 29, 1970
Dahomey ^{1,2}	VI	January 10, 1967	Lisbon: January 10, 1967
Denmark ⁶	IV	October 1, 1894	Stockholm: April 26 or May 19, 1970 ⁷ (substance) † April 26, 1970 (administration) ††

Member Country **	Class chosen	Date on which adhesion to the Union took effect	Latest Act by which the Country is bound and date on which it became bound
DOMINICAN REPUBLIC	VI	JULY 11, 1890	THE HAGUE: APRIL 6, 1951
Finland	IV	September 20, 1921	London: May 30, 1953 Stockholm: September 15, 1970 ⁵ (administration) ††
France ^{1, 8}	I	July 7, 1884	Lisbon: January 4, 1962
Gabon ^{1, 2}	VI	February 29, 1964	Lisbon: February 29, 1964
German Democratic Republic ⁹	I	May 1, 1903 ¹⁰	Stockholm: April 26 or May 19, 1970 ⁷ (substance) † April 26, 1970 (administration) ††
Germany (Federal Republic)	I	May 1, 1903 ¹⁰	Stockholm: September 19, 1970
Greece ¹	V	October 2, 1924	London: November 27, 1953
Haiti	VI	July 1, 1958	Lisbon: January 4, 1962
Holy See ¹	VI	September 29, 1960	London: September 29, 1960
Hungary	V	January 1, 1909	Stockholm: April 26 or May 19, 1970 ⁷ (substance) † April 26, 1970 (administration) ††
Iceland	VI	May 5, 1962	London: May 5, 1962
Indonesia ²	IV	December 24, 1950	London: December 24, 1950
Iran	IV	December 16, 1959	Lisbon: January 4, 1962
Ireland	IV	December 4, 1925	Stockholm: April 26 or May 19, 1970 ⁷ (substance) † April 26, 1970 (administration) ††
Israel ²	V	March 24, 1950	Stockholm: April 26 or May 19, 1970 ⁷ (substance) † April 26, 1970 (administration) ††
Italy ¹	I	July 7, 1884	Lisbon: December 29, 1968
Ivory Coast ^{1, 2}	VI	October 23, 1963	Lisbon: October 23, 1963
Japan ¹	II	July 15, 1899	Lisbon: August 21, 1965
Kenya	VI	June 14, 1965	Lisbon: June 14, 1965
Lebanon	VI	September 1, 1924	London: September 30, 1947
Liechtenstein	VI	July 14, 1933	London: January 28, 1951
Luxembourg ¹	VI	June 30, 1922	London: December 30, 1945
Madagascar ²	VI	December 21, 1963	Lisbon: December 21, 1963
Malawi ¹¹	VI	July 6, 1964	Stockholm: June 25, 1970
Malta ¹	VI	October 20, 1967	Lisbon: October 20, 1967
Mauritania ²	VI	April 11, 1965	Lisbon: April 11, 1965
Mexico	III	September 7, 1903	Lisbon: May 10, 1964
Monaco	VI	April 29, 1956	Lisbon: January 4, 1962
Morocco ¹	VI	July 30, 1917	Lisbon: May 15, 1967
Netherlands ^{1, 12}	III	July 7, 1884	London: August 5, 1948
New-Zealand ²	V	July 29, 1931	London: July 14, 1946
Niger ^{1, 2}	VI	July 5, 1964	Lisbon: July 5, 1964
Nigeria	VI	September 2, 1963	Lisbon: September 2, 1963
Norway ¹	IV	July 1, 1885	Lisbon: May 10, 1964
People's Republic of the Congo ²	VI	September 2, 1963	Lisbon: September 2, 1963
Philippines	VI	September 27, 1965	Lisbon: September 27, 1965
POLAND ¹	III	NOVEMBER 10, 1919	THE HAGUE: NOVEMBER 22, 1931
Portugal ^{1, 13}	IV	July 7, 1884	London: November 7, 1949
Republic of Viet-Nam ²	VI	December 8, 1956	London: December 8, 1956
Rhodesia ¹¹	VI	April 6, 1965	Lisbon: April 6, 1965
Romania	IV	October 6, 1920	Stockholm: April 26 or May 19, 1970 ⁷ (substance) † April 26, 1970 (administration) ††
San Marino	VI	March 4, 1960	London: March 4, 1960
Senegal ²	VI	December 21, 1963	Stockholm: April 26 or May 19, 1970 ⁷ (substance) † April 26, 1970 (administration) ††
South Africa ¹	IV	December 1, 1947	Lisbon: April 17, 1965
Soviet Union	I	July 1, 1965	Stockholm: April 26 or May 19, 1970 ⁷ (substance) † April 26, 1970 (administration) ††
Spain ¹	IV	July 7, 1884	London: March 2, 1956

Member Country **	Class chosen	Date on which adhesion to the Union took effect	Latest Act by which the Country is bound and date on which it became bound
Sweden	III	July 1, 1885	Stockholm: October 9, 1970 (substance) † April 26, 1970 (administration) ††
Switzerland	III	July 7, 1884	Stockholm: April 26 or May 19, 1970 ⁷ (substance) † April 26, 1970 (administration) ††
Syria ¹	VI	September 1, 1924	London: September 30, 1947
Tanzania ²	VI	June 16, 1963	Lisbon: June 16, 1963
Togo ²	VI	September 10, 1967	Lisbon: September 10, 1967
Trinidad and Tobago ²	VI	August 1, 1964	Lisbon: August 1, 1964
Tunisia ¹	VI	July 7, 1884	London: October 4, 1942
Turkey ¹	IV	October 10, 1925	London: June 27, 1957
Uganda	III	June 14, 1965	Lisbon: June 14, 1965
United Arab Republic ¹	IV	July 1, 1951	London: July 1, 1951
United Kingdom ¹⁴	I	July 7, 1884	Stockholm: April 26 or May 19, 1970 ⁷ (substance) † April 26, 1970 (administration) ††
United States of America ¹⁵	I	May 30, 1887	Lisbon: January 4, 1962 Stockholm: September 5, 1970 ⁵ (administration) ††
Upper Volta ^{1,2}	VI	November 19, 1963	Lisbon: November 19, 1963
Uruguay	VI	March 18, 1967	Lisbon: March 18, 1967
Yugoslavia ¹	IV	February 26, 1921	Lisbon: April 11, 1965
Zambia ¹¹	VI	April 6, 1965	Lisbon: April 6, 1965

(Total: 79 or 78 countries)¹⁶

* This list includes all the entities to which the Convention has been declared applicable. It does not imply any expression of opinion as to the legal status of any country or territory or of its authorities.

** Explanation of type:

Heavy type: countries which have accepted the Stockholm Act (1967) in its entirety.

Italics: countries which have accepted the Lisbon Act (1958) and countries which have accepted the Lisbon Act and the Stockholm Act (1967) except Articles 1 to 12 of the latter.

Ordinary type: countries which have accepted the London Act (1934) and countries which have accepted the London Act and the Stockholm Act (1967) except Articles 1 to 12 of the latter.

CAPITAL LETTERS: countries which have accepted the Hague Act (1925).

† "Substance" means Articles 1 to 12 and, unless the date under "administration" is earlier, Articles 18 to 30.

†† "Administration" means Articles 13 to 17 and, unless the date under "substance" is earlier or where there is no entry "substance," Articles 18 to 30.

¹ This country has deposited the declaration provided under Article 30(2) of the Stockholm Act. It may thus exercise the rights provided for in Articles 13 to 17 of the Act as if it were bound by those articles. It is considered a member of the Assembly. These two privileges expire on April 26, 1975.

² The Convention was applied, under the provisions relating to dependent territories, in the following countries before their accession to full independence, as from the dates indicated: Australia (August 5, 1907), Canada (September 1, 1923), Ceylon (June 10, 1905), Indonesia (October 1, 1888), Israel (Palestine, except Transjordan, September 12, 1933), New Zealand (September 7, 1891), Tanzania (except Zanzibar, January 1, 1938), Trinidad and Tobago (May 14, 1908). The Convention was applied, under the same provisions, to the following countries from various dates: Cameroon, Central African Republic, Chad, Dahomey, Gabon, Ivory Coast, Madagascar, Mauritania, Niger, People's Republic of the Congo, Republic of Viet-Nam, Senegal, Togo, Upper Volta.

³ The Convention has applied to Papua and New Guinea since February 12, 1933, and to Norfolk Island and Nauru since July 29, 1936. (The London Act has applied to Papua, New Guinea and Norfolk Island since February 5, 1960. The Hague Act has always applied to Nauru since July 29, 1936.)

⁴ The date is May 19, 1970, if the validity of the instrument deposited by the German Democratic Republic is *not* accepted (member countries disagree on this question); otherwise, it is May 27, 1970.

⁵ Acceptance excluding Articles 1 to 12.

⁶ Including the Faroe Islands.

⁷ The date is April 26, 1970, if the validity of the instrument deposited by the German Democratic Republic is accepted (member countries disagree on this question); otherwise, it is May 19, 1970.

⁸ Including the Departments of Guadeloupe, Guiana, Martinique and Reunion and all Overseas Territories.

⁹ The validity of the instruments deposited by the German Democratic Republic is contested by a number of member countries.

¹⁰ Date on which the adhesion of the German Empire took effect.

¹¹ The Convention had applied to Malawi, Rhodesia and Zambia (as component parts of the former Federation of Rhodesia and Nyasaland) since April 1, 1958.

¹² The Convention has applied to Curaçao and Surinam since July 1, 1890. (The London Act has applied since August 5, 1948.)

¹³ Including the Azores and Madeira.

¹⁴ The Lisbon Act has applied to the Bahamas since October 20, 1967.

¹⁵ The Lisbon Act has applied to Puerto Rico, Virgin Islands, Eastern Samoa and Guam since July 7, 1963.

¹⁶ Depending upon whether or not the German Democratic Republic is considered a party to the Convention. Member countries disagree on this question.

II

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

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

Contracting Country **	Original date on which the Country became bound by the Agreement	Latest Act by which the Country is bound and date on which it became bound (see, however, for some countries, the Additional Act of Stockholm)	Additional Act of Stockholm and date on which the Country became bound by it
BRAZIL	OCTOBER 3, 1896	THE HAGUE: OCTOBER 26, 1929	—
Ceylon ¹	December 29, 1952	London: December 29, 1952	—
Cuba	January 1, 1905	Lisbon: October 11, 1964	—
Czechoslovakia	September 30, 1921	Lisbon: June 1, 1963	December 29, 1970
DOMINICAN REPUBLIC	APRIL 6, 1951	THE HAGUE: APRIL 6, 1951	—
France ²	July 15, 1892	Lisbon: June 1, 1963	—
German Democratic Republic ³	June 12, 1925 ⁴	Lisbon: January 15, 1965	April 26, 1970
Germany (Federal Republic)	June 12, 1925 ⁴	Lisbon: June 1, 1963	September 19, 1970
Hungary	June 5, 1934	Lisbon: March 23, 1967	April 26, 1970
Ireland	December 4, 1925	Lisbon: June 9, 1967	April 26, 1970
Israel ¹	March 24, 1950	Lisbon: July 2, 1967	April 26, 1970
Italy	March 5, 1951	Lisbon: December 29, 1968	—
Japan	July 8, 1953	Lisbon: August 21, 1965	—
Lebanon	September 1, 1924	London: September 30, 1947	—
Liechtenstein	July 14, 1933	London: January 28, 1951	—
Monaco	April 29, 1956	Lisbon: June 1, 1963	—
Morocco	July 30, 1917	Lisbon: May 15, 1967	—
New-Zealand ¹	July 29, 1931	London: May 17, 1947	—
POLAND	DECEMBER 10, 1928	THE HAGUE: DECEMBER 10, 1928	—
Portugal ⁵	October 31, 1893	London: November 7, 1949	—
Republic of Viet-Nam ¹	December 8, 1956	London: December 8, 1956	—
San Marino	September 25, 1960	London: September 25, 1960	—
Spain	July 15, 1892	London: March 2, 1956	—
Sweden	January 1, 1934	Lisbon: October 3, 1969	April 26, 1970
Switzerland	July 15, 1892	Lisbon: June 1, 1963	April 26, 1970
Syria	September 1, 1924	London: September 30, 1947	—
Tunisia	July 15, 1892	London: October 4, 1942	—
Turkey	August 21, 1930	London: June 27, 1957	—
United Arab Republic	July 1, 1952	London: July 1, 1952	—
United Kingdom	July 15, 1892	Lisbon: June 1, 1963	April 26, 1970

(Total: 30 or 29 countries)⁶

* This list includes all the entities to which the Agreement has been declared applicable. It does not imply any expression of opinion as to the legal status of any country or territory or of its authorities.

** Explanation of type:

Heavy type: countries which have accepted the Additional Act of Stockholm (1967).

Italics: countries which have not accepted an Act later than Lisbon (1958).

Ordinary type: countries which have not accepted an Act later than London (1934).

CAPITAL LETTERS: countries which have not accepted an Act later than The Hague (1925).

¹ The Agreement was applied, under the provisions relating to dependent territories, in the following countries before their accession to full independence, as from the dates indicated: Ceylon (September 1, 1913), Israel (Palestine, except Transjordan, September 12, 1933), New Zealand (June 20, 1913) and the Republic of Viet-Nam.

² Including the Departments of Guadeloupe, Guiana, Martinique and Reunion and all Overseas Territories.

³ The validity of the instruments deposited by the German Democratic Republic is contested by a number of contracting countries.

⁴ Date on which Germany became bound by the Agreement.

⁵ Including the Azores and Madeira.

⁶ Depending upon whether or not the German Democratic Republic is considered a party to the Agreement. Contracting countries disagree on this question.

III

Union for the International Registration of Marks (Madrid Union)*

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

Member Country **	Date on which adhesion to the Union took effect	Latest Act by which the Country is bound and date on which it became bound
<i>Austria</i> ¹	January 1, 1909	Nice: February 8, 1970
<i>Belgium</i> ^{1,2}	July 15, 1892	Nice: December 15, 1966
<i>Czechoslovakia</i> ¹	October 5, 1919	Stockholm: December 22 or 29, 1970 ³
<i>France</i> ^{4,5}	July 15, 1892	Nice: December 15, 1966
<i>German Democratic Republic</i> ^{1,6}	December 1, 1922 ⁷	Stockholm: September 19, or December 22, 1970 ⁸
<i>Germany (Federal Republic)</i>	December 1, 1922 ⁷	Stockholm: September 19, or December 22, 1970 ⁸
<i>Hungary</i> ¹	January 1, 1909	Stockholm: September 19, or December 22, 1970 ⁸
<i>Italy</i> ^{1,4}	October 15, 1894	Nice: December 15, 1966
<i>Liechtenstein</i>	July 14, 1933	Nice: May 29, 1967
<i>Luxembourg</i> ^{1,2,4}	September 1, 1924	Nice: December 15, 1966
<i>Monaco</i> ^{1,9}	April 29, 1956	Nice: December 15, 1966
<i>Morocco</i> ^{1,4}	July 30, 1917	Nice: December 18, 1970
<i>Netherlands</i> ^{1,2,4}	March 1, 1893	Nice: December 15, 1966
<i>Portugal</i> ^{1,4,10}	October 31, 1893	Nice: December 15, 1966
<i>Republic of Viet-Nam</i> ¹¹	December 8, 1956	London: December 8, 1956
<i>Romania</i> ¹	October 6, 1920	Stockholm: September 19, or December 22, 1970 ⁸
<i>San Marino</i> ¹	September 25, 1960	Nice: December 15, 1966
<i>Spain</i> ^{1,4,12}	July 15, 1892	Nice: December 15, 1966
<i>Switzerland</i>	July 15, 1892	Stockholm: September 19, or December 22, 1970 ⁸
<i>Tunisia</i> ¹	July 15, 1892	Nice: August 28, 1967
<i>United Arab Republic</i> ^{1,9}	July 1, 1952	Nice: December 15, 1966
<i>Yugoslavia</i> ⁴	February 26, 1921	Nice: December 15, 1966

(Total: 22 or 21 countries)^{13,14}

* This list includes all the entities to which the Agreement has been declared applicable. It does not imply any expression of opinion as to the legal status of any country or territory or of its authorities.

** Explanation of type:

Heavy type: countries which have accepted the Stockholm Act (1967).

Italics: countries which have not accepted an Act later than Nice (1957).

Ordinary type: countries which have not accepted an Act later than London (1934).

- ¹ The following countries have declared, under Article 3bis of the Nice Act, that the protection arising from international registration shall not extend to them unless the proprietor of the mark requests it: Austria (February 8, 1970), Belgium (December 15, 1966), Czechoslovakia (April 14, 1971), German Democratic Republic (December 15, 1966), Hungary (October 30, 1970), Italy (June 14, 1967), Luxembourg (December 15, 1966), Monaco (December 15, 1966), Morocco (December 18, 1970), Netherlands (December 15, 1966), Portugal (December 15, 1966), Romania (June 10, 1967), San Marino (August 14, 1969), Spain (December 15, 1966), Tunisia (August 28, 1967), United Arab Republic (March 1, 1967). The dates in parentheses indicate the effective date of the declaration in respect of each country.
- ² As from January 1, 1971, the territories in Europe of Belgium, Luxembourg and the Netherlands are, for the application of the Agreement, to be deemed a single country.
- ³ The Stockholm Act entered into force for this country on December 22, 1970, if the validity of the instrument deposited by the German Democratic Republic is not accepted (member countries disagree on this question); otherwise, the date of entry into force is December 29, 1970.
- ⁴ This country has deposited the declaration provided under Article 18(2) of the Stockholm Act. It may thus exercise the rights provided for in Articles 10 to 13 of the Act as if it were bound by those articles. It is considered a member of the Assembly. These two privileges expire on April 26, 1975.
- ⁵ Including the Departments of Guadeloupe, Guiana, Martinique and Reunion and all Overseas Territories.
- ⁶ The validity of the instruments deposited by the German Democratic Republic is contested by a number of member countries.
- ⁷ Date on which Germany adhered to the Union.
- ⁸ The Stockholm Act entered into force on September 19, 1970, or December 22, 1970, depending upon whether or not the validity of the instrument deposited by the German Democratic Republic is accepted (member countries disagree on this question).
- ⁹ Monaco and the United Arab Republic only recognize trademarks registered under the Agreement *after* the date of their adhesion to the Union.
- ¹⁰ Including the Azores and Madeira.
- ¹¹ The Agreement was applied, under the provisions relating to dependent territories, in Viet-Nam before its accession to independence.
- ¹² Spain has declared that it no longer wishes to be bound by instruments earlier than the Nice Act. This declaration became effective on December 15, 1966.
- ¹³ Depending upon whether the German Democratic Republic is considered a party to the Agreement. Member countries disagree on this question.
- ¹⁴ Turkey withdrew from the Union with effect from September 10, 1956. International registrations in effect on that date continue to be recognized by Turkey until they expire.

IV

Union Concerning the International Deposit of Industrial Designs (Hague Union) *

founded by the Hague Agreement (1925), revised at London (1934) and The Hague (1960) ¹, and supplemented by the Additional Act of Monaco (1961) and by the Complementary Act of Stockholm (1967) ²

Member Country **	Date on which adhesion to the Union took effect	Date of accession to the London Act	Date of accession to the Additional Act of Monaco
Belgium	July 27, 1929	November 24, 1939	November 13, 1964
France ^{3, 4}	October 20, 1930	June 25, 1939	December 1, 1962
German Democratic Republic ⁵	June 1, 1928 ⁶	June 13, 1939 ⁷	—
Germany (Federal Republic) ⁸	June 1, 1928 ⁶	June 13, 1939 ⁷	December 1, 1962
Holy See	September 29, 1960	September 29, 1960	—
Indonesia ⁹	December 24, 1950	December 24, 1950	—
Liechtenstein ³	July 14, 1933	January 28, 1951	July 9, 1966
Monaco	April 29, 1956	April 29, 1956	September 14, 1963
Morocco	October 20, 1930	January 21, 1941	—
Netherlands ¹⁰	June 1, 1928	August 5, 1948	September 14, 1963
Republic of Viet-Nam ⁹	December 8, 1956	December 8, 1956	—
Spain	June 1, 1928	March 2, 1956	August 31, 1969
Switzerland ^{3, 8}	June 1, 1928	November 24, 1939	December 21, 1962
Tunisia	October 20, 1930	October 4, 1942	—
United Arab Republic	July 1, 1952	July 1, 1952	—
(Total: 15 or 14 countries) ¹¹			

* This list includes all the entities to which the Agreement has been declared applicable. It does not imply any expression of opinion as to the legal status of any country or territory or of its authorities.

** Explanation of type:

Heavy type: countries which have accepted the London Act (1934) and the Additional Act of Monaco (1961).

Ordinary type: countries which have accepted the London Act (1934) but not the Additional Act of Monaco.

¹ The Hague Act (1960) is not yet in force.

² The Complementary Act of Stockholm (1967) is not yet in force.

³ This country has acceded to the Hague Act (1960), which is however not yet in force.

⁴ Including the Departments of Guadeloupe, Guiana, Martinique and Reunion and all Overseas Territories.

⁵ The validity of the instrument deposited by the German Democratic Republic is contested by a number of member countries.

⁶ Date on which Germany adhered to the Union.

⁷ Date of Germany's accession to the London Act.

⁸ This country has acceded to the Complementary Act of Stockholm (1967), which is however not yet in force.

⁹ The Agreement was applied, under the provisions relating to dependent territories, to Indonesia and Viet-Nam before their accession to full independence, from June 1, 1928.

¹⁰ Including Curaçao and Surinam.

¹¹ Depending upon whether or not the German Democratic Republic is considered a party to the Agreement. Member countries disagree on this question.

V

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

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

Member Country **	Date on which adhesion to the Union took effect	Latest Act by which the Country is bound and date on which it became bound
Australia	April 8, 1961	Nice: April 8, 1961
Austria	November 30, 1969	Nice: November 30, 1969
Belgium ¹	June 6, 1962	Nice: June 6, 1962
Czechoslovakia	April 8, 1961	Stockholm: December 29, 1970
Denmark	November 30, 1961	Stockholm: May 4, 1970
France ^{1,2}	April 8, 1961	Nice: April 8, 1961
German Democratic Republic ³	January 15, 1965	Stockholm: November 12, 1969, or March 18, 1970 ⁴
Germany (Federal Republic)	January 29, 1962	Stockholm: September 19, 1970
Hungary	March 23, 1967	Stockholm: March 18, or April 19, 1970 ⁵
Ireland	December 12, 1966	Stockholm: November 12, 1969, or March 18, 1970 ⁴
Israel	April 8, 1961	Stockholm: November 12, 1969, or March 18, 1970 ⁴
Italy ¹	April 8, 1961	Nice: April 8, 1961
Lebanon	April 8, 1961	Nice: April 8, 1961
Liechtenstein	May 29, 1967	Nice: May 29, 1967
Monaco	April 8, 1961	Nice: April 8, 1961
Morocco ¹	October 1, 1966	Nice: October 1, 1966
Netherlands ¹	August 20, 1962	Nice: August 20, 1962
Norway ¹	July 28, 1961	Nice: July 28, 1961
Poland	April 8, 1961	Nice: April 8, 1961
Portugal ¹	April 8, 1961	Nice: April 8, 1961
Spain ¹	April 8, 1961	Nice: April 8, 1961
Sweden	July 28, 1961	Stockholm: November 12, 1969, or March 18, 1970 ⁴
Switzerland	August 20, 1962	Stockholm: May 4, 1970
Tunisia	May 29, 1967	Nice: May 29, 1967
United Kingdom	April 15, 1963	Stockholm: November 12, 1969, or March 18, 1970 ⁴
Yugoslavia ¹	August 30, 1966	Nice: August 30, 1966

(Total: 26 or 25 countries)⁶

* This list includes all the entities to which the Agreement has been declared applicable. It does not imply any expression of opinion as to the legal status of any country or territory or of its authorities.

** Explanation of type:

Heavy type: countries which have accepted the Stockholm Act (1967).

Ordinary type: countries which have not accepted an Act later than Nice (1957).

¹ This country has deposited the declaration provided under Article 16(2) of the Stockholm Act. It may thus exercise the rights provided for in Articles 5 to 8 of the Act as if it were bound by those articles. It is considered a member of the Assembly. These two privileges expire on April 26, 1975.

² Including the Departments of Guadeloupe, Guiana, Martinique and Reunion and all Overseas Territories.

³ The validity of the instruments deposited by the German Democratic Republic is contested by a number of member countries.

⁴ The Stockholm Act entered into force on November 12, 1969, or March 18, 1970, depending upon whether or not the validity of the instrument deposited by the German Democratic Republic is accepted (member countries disagree on this question).

⁵ The Stockholm Act entered into force for this country on March 18, 1970, if the validity of the instrument deposited by the German Democratic Republic is not accepted (member countries disagree on this question); otherwise, the date of entry into force is April 19, 1970.

⁶ Depending upon whether or not the German Democratic Republic is considered a party to the Agreement. Member countries disagree on this question.

VI

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

founded by the Lisbon Agreement (1958), and revised at Stockholm (1967)¹

Member Country	Date on which adhesion to the Union took effect
Cuba	September 25, 1966
Czechoslovakia ²	September 25, 1966
France ^{3,4}	September 25, 1966
Haiti	September 25, 1966
Hungary ²	March 23, 1967
Israel ²	September 25, 1966
Italy ⁴	December 29, 1968
Mexico	September 25, 1966
Portugal ⁴	September 25, 1966
(Total: 9 countries)	

¹ The Stockholm Act (1967) is not yet in force.

² This country has accepted the Stockholm Act (1967), which is however not yet in force. All countries are bound by the original Act of Lisbon (1958).

³ Including the Departments of Guadeloupe, Guiana, Martinique and Reunion and all Overseas Territories.

⁴ This country has deposited the declaration provided under Article 18(2) of the Stockholm Act. When this Act enters into force, the country will be able to exercise the rights provided for in Articles 9 to 12 of the Act as if it were bound by those articles and will be considered a member of the Assembly. These two privileges will expire on April 26, 1975.

VII

Union Concerning the International Classification of Industrial Designs (Locarno Union) *
founded by the Locarno Agreement (1968) ¹

Signatory Countries	Countries having ratified or acceded to the Agreement, and date of the deposit of the instrument of ratification or accession
Algeria	—
Austria	—
Belgium	—
Czechoslovakia	Czechoslovakia: August 4, 1970
Denmark	—
Finland	—
—	German Democratic Republic: October 13, 1969 ²
Germany (Federal Republic)	—
Holy See	—
Hungary	—
Iran	—
—	Ireland: July 9, 1970
Italy	—
Kenya	—
Liechtenstein	—
Luxembourg	—
Monaco	—
Netherlands	—
Norway	—
Portugal	—
Spain	—
—	Sweden: July 7, 1970
Switzerland	—
United States of America	—
Yugoslavia	—
(Total: 22 countries)	(Total: 4 or 3 countries) ³

* This list includes all the entities to which the Agreement has been declared applicable. It does not imply any expression of opinion as to the legal status of any country or territory or of its authorities.

¹ This Agreement is not yet in force.

² The validity of the instrument deposited by the German Democratic Republic is contested by a number of signatory countries.

³ Depending upon whether or not the instrument deposited by the German Democratic Republic is considered valid. There is disagreement on this question.

VIII

International Patent Cooperation Unionfounded by the Patent Cooperation Treaty (1970)¹*Signatory States*

Algeria	Iran	Romania
Argentina	Ireland	Senegal
Austria	Israel	Soviet Union
Belgium	Italy	Sweden
Brazil	Ivory Coast	Switzerland
Canada	Japan	Syria
Denmark	Luxembourg	Togo
Finland	Madagascar	United Arab Republic
France	Monaco	United Kingdom
Germany (Federal Republic)	Netherlands	United States of America
Holy See	Norway	Yugoslavia
Hungary	Philippines	
(Total: 35 States)		

¹ This Treaty is not yet in force.**Membership of the Administrative Bodies**

As a result of the entry into force of some of the Acts adopted by the Stockholm Diplomatic Conference (1967), the membership of the administrative bodies, as on January 1, 1971, is as follows:

Paris Union for the Protection of Industrial Property

Assembly: *Argentina, *Belgium, *Brazil, Bulgaria, *Cameroon, Canada, Chad, *Cuba, Czechoslovakia, *Dahomey, Denmark, Finland, *France, *Gabon, German Democratic Republic¹, Germany (Federal Republic), *Greece, *Holy See, Hungary, Ireland, Israel, *Italy, *Ivory Coast, *Japan, *Luxembourg, Malawi, *Malta, *Morocco, *Netherlands, *Niger, *Norway, *Poland, *Portugal, Romania, Senegal, *South Africa, Soviet Union, *Spain, Sweden, Switzerland, *Syria, *Tunisia, *Turkey, *United Arab Republic, United Kingdom, United States of America, *Upper Volta, *Yugoslavia.

Conference of Representatives: Algeria, Australia, Austria, Central African Republic, Ceylon, Cyprus, Dominican Republic, Haiti, Iceland, Indonesia, Iran, Kenya, Lebanon, Liechtenstein, Madagascar, Mauritania, Mexico, Monaco, New Zealand, Nigeria, People's Republic of the Congo, Philippines, Republic

of Viet-Nam, Rhodesia, San Marino, Togo, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Zambia.
Executive Committee: ORDINARY MEMBERS: Argentina, Brazil, Cameroon, France, Germany (Federal Republic), Hungary, Japan, Senegal, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America. ASSOCIATE MEMBERS: Australia, Ceylon, Kenya. *Note:* The members of the Executive Committee remain in office until the end of the ordinary session fixed for September 1973.

Madrid Union (Marks)

Assembly: Czechoslovakia, *France, German Democratic Republic¹, Germany (Federal Republic), Hungary, *Italy, *Luxembourg, *Morocco, *Netherlands, *Portugal, Romania, *Spain, Switzerland, *Yugoslavia.

Nice Union (Classification)

Assembly: *Belgium, Czechoslovakia, Denmark, *France, German Democratic Republic¹, Germany (Federal Republic), Hungary, Ireland, Israel, *Italy, *Morocco, *Netherlands, *Norway, *Portugal, *Spain, Sweden, Switzerland, United Kingdom, *Yugoslavia.

Conference of Representatives: Australia, Austria, Lebanon, Liechtenstein, Monaco, Poland, Tunisia.

* Member of the relevant body until April 26, 1975.

¹ The validity of the instrument of accession deposited by the German Democratic Republic is contested by a number of Member States.

ICIREPAT

Plenary Committee

Second Session

(Geneva, September 16 to 18, 1970)

Note*

The second ordinary session of the Plenary Committee (hereinafter referred to as "the Committee") of the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) was held in Geneva from September 16 to 18, 1970. The session was chaired by Mr. W. E. Schuyler, Jr., United States Commissioner of Patents.

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

Past and Current ICIREPAT Activities. The Committee discussed the general report of the International Bureau on the activities of ICIREPAT in the preceding year.

The Rules of Procedure of the Technical Coordination Committee and of the Technical Committees were noted by the Committee.

The Committee approved several recommendations proposed by the Technical Coordination Committee regarding microforms and the "Guiding Principles" for the shared systems.

Assessment of the Shared Systems Program. The Committee discussed the general usefulness of the shared systems program. It found that it was necessary to improve that program and to continue it in the improved form. Improvements were found to be particularly desirable with respect to procedure.

The Committee agreed on a number of principles which will guide the revision of the procedures. They cover the selection of new systems, with particular reference to level of search activity, homogeneity of the field, size of the file and cost/benefit to each Office; extension of the documentation being indexed; distribution of the indexing workload; and determination of the extent of backlog indexing.

Program for 1971. The Committee discussed the ICIREPAT program for 1971 as proposed by the Technical Coordination Committee in its fourth session (see *Industrial Property*, July 1970, pages 219 and 220), and adopted it as proposed, subject to some minor amendments.

* This Note has been prepared by the International Bureau on the basis of the official documents of the session.

Discussion of ICIREPAT Program for 1972. The Committee discussed in a general manner the outline of a program for 1972. Among the suggestions resulting from this discussion are the following: ICIREPAT should increase its activity in matters of direct interest to the Patent Cooperation Treaty; the legal status of microforms should be reviewed; the possibility of the use and exchange of microforms other than aperture cards should be studied.

ICIREPAT Manual. The completion of an ICIREPAT Manual prepared by the International Bureau was noted by the Committee. This Manual contains the Organizational Rules, the Rules of Procedure of all ICIREPAT Committees, the recommendations and standards agreed upon, and the procedure and guiding principles of the shared systems program.

The Committee asked the International Bureau to study the possibility of making parts of the Manual available to persons and organizations outside the participating industrial property Offices.

List of Participants*

I. States

Austria: K. Springer. Canada: F. W. Simons. Czechoslovakia: M. Fořtová (Mrs.). Denmark: E. Tuxen; I.-L. Schmidt (Miss). Finland: B. Norring. Germany (Federal Republic): A. Wittmann; G. Gehring; W. Weiss. Ireland: P. Slavin. Japan: K. Takano. Netherlands: J. Dekker; G. J. Koelewijn. Norway: E. O. Kjeldsen. Soviet Union: Y. E. Maksarev; V. P. Shatrov; V. Roslov. Spain: C. Marquez Labajo. Sweden: G. Borggård; T. Gustafson. Switzerland: J.-L. Comte; J. R. Fierz. United Kingdom: E. Armitage; D. G. Gay; D. C. Snow. United States of America: W. E. Schuyler, Jr.; R. A. Spencer; H. D. Hoinkes.

II. Organization

International Patent Institute: P. van Waasbergen; L. F. W. Knight.

III. Officers of Technical Committees and ABCS

Chairman of TC. I: I.-L. Schmidt (Miss); *Chairman of TC. II:* A. Wittmann; *Chairman of TC. III:* L. F. W. Knight; *Chairman of TC. VI:* D. G. Gay; *Chairman of ABCS:* D. C. Snow.

IV. Officers of the Meeting

Chairman: W. E. Schuyler, Jr.; *Vice-Chairman:* E. Armitage; *Secretary:* K. Pfanner.

V. WIPO

A. Bogsch (*First Deputy Director General*); K. Pfanner (*Senior Counsellor, Head, Industrial Property Division*); I. Morozov (*Counsellor, Industrial Property Division*); P. Claus (*Head, ICIREPAT Section, Industrial Property Division*); K. Sölla (*German Patent Office*); Y. Gyrdymov (*USSR State Committee for Inventions and Discoveries*); L. J. Schroeder (*US Patent Office*); C. Takagi (*Japanese Patent Office*).

* A list containing the titles and functions of the participants may be obtained from the International Bureau upon request.

ICIREPAT

Technical Coordination Committee

Fifth Session

(Geneva, December 7 to 9, 1970)

Note*

The fifth session of the Technical Coordination Committee of ICIREPAT (hereinafter referred to as "the Committee") was held in Geneva from December 7 to 9, 1970. The session was chaired by Mr. G. Borggård, Director General of the Swedish Patent Office.

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

Procedure for Shared System Development and Use. The Committee discussed and approved proposals for a revised procedure for the first two stages. The revisions should provide for a sounder technical basis for reliable commitments by cooperating Offices in these stages. In order to carry out fully the mandate granted by the Plenary Committee of ICIREPAT, the Committee decided to look into the necessity of revising the procedure for the other stages of the shared systems procedure, and instructed the competent Technical Committee to recommend changes wherever appropriate. Thus the matter remains on the agenda of the Technical Coordination Committee.

Number of Technical Committees. In an effort to streamline the organization of the work of ICIREPAT, the Committee decided to replace the existing six Technical Committees by three new Technical Committees, dealing respectively with shared systems, standardization and computerization. The Advisory Board for Cooperation Systems will continue at least until the review of the procedure of shared systems is completed.

Subject-Oriented Symposium and Technical Meeting. The Committee decided to recommend to the Plenary Committee that a technical meeting and/or symposium be arranged in 1972, preferably at the premises of a major Patent Office. It was further recommended to organize such meeting in conjunction with a Technical Coordination Committee session.

* This Note has been prepared by the International Bureau on the basis of the official documents of the session.

The choice of one or more suitable topics for discussion was deferred until the next Technical Coordination Committee session.

Suggestions of the Technical Committees. The Committee adopted a recommendation concerning the preparation of abstracts and their use for indexing purposes, and agreed on a small change in the ICIREPAT microform standard. Four proposed recommendations, concerning ICIREPAT numbers for identification of data, minimum of bibliographic data appearing on the first page of patent or like documents, the layout and presentation of the first page of patent and like documents, and the use of white paper when printing patent or like documents, were referred back to the competent Technical Committee for reconsideration. Finally, the Committee adopted a recommendation on a general magnetic tape format for multilateral exchange in the shared systems procedure.

List of Participants*

I. States

Germany (Federal Republic): A. Wittmann; G. Gehring; W. Weiss. Japan: K. Takano. Netherlands: G. J. Koelewijn. Soviet Union: I. Zdorovov; V. Kalinin. Sweden: G. Borggård; T. Gustafson. United Kingdom: D. G. Gay; D. C. Snow. United States of America: R. A. Spencer.

II. Organization

International Patent Institute: P. van Waasbergen; L. F. W. Knight.

III. Officers of Technical Committees and ABCS

Chairman of TC. I: I.-L. Schmidt (Miss); *Chairman of TC. II:* A. Wittmann; *Chairman of TC. III:* L. F. W. Knight; *Chairman of TC. VI:* D. G. Gay; *Chairman of ABCS:* D. C. Snow.

IV. Officers of the Meeting

Chairman: G. Borggård; *Vice-Chairman:* P. van Waasbergen; *Secretary:* K. Pfanner.

V. WIPO

G. H. C. Bodenhausen (*Director General*); A. Bogsch (*First Deputy Director General*); K. Pfanner (*Senior Counsellor, Head, Industrial Property Division*); P. Claus (*Technical Counsellor, Head, ICIREPAT Section*); K. Sölla (*German Patent Office*); C. Takagi (*Japanese Patent Office*).

* A list containing the titles and functions of the participants may be obtained from the International Bureau upon request.

CONVENTIONS NOT ADMINISTERED BY WIPO

Contracting States on January 1, 1971

Council of Europe

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

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

European Convention on the International Classification of Patents for Invention (including Annex as amended) (1954-1967) (Entered into force August 1, 1955)

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

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

** This country is no longer a member of the Council of Europe as from January 1, 1971.

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

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

International Patent Institute

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

Member States	Date on which the State became bound by the 1947 Agreement	Date on which the State ratified the Act of The Hague of February 16, 1961*
Belgium	June 10, 1949	October 1, 1969
France	June 10, 1949	June 13, 1962
Luxembourg	June 10, 1949	December 23, 1963
Monaco	August 2, 1956	December 13, 1962
Netherlands	June 10, 1949	September 4, 1963
Switzerland	January 1, 1960	May 3, 1962
Turkey	September 28, 1955	
United Kingdom	August 2, 1965	

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

African and Malagasy Industrial Property Organization (OAMPI)

Lihreville Agreement of September 13, 1962, Relating to the Creation of an African and Malagasy Industrial Property Office

Ratification only

Country	Date of relevant law ¹
Ivory Coast	D March 4, 1963
Niger	L February 6, 1963
People's Republic of the Congo	L June 15, 1963
	D July 27, 1963
Senegal	L July 3, 1963
	D November 19, 1963
Upper Volta	L May 10, 1963
	D January 6, 1964

¹ "D" means Decree.

"L" means Law.

(Continued on page 26)

color — or physiological and invisible — such as resistance, possession of valuable substances (dry matter, oil, etc.), and suitability for special kinds of processing.

(b) The plant variety shall be sufficiently homogeneous.

(c) The plant variety shall be stable in its special (essential) characteristics during propagation, provided that such propagation is carried out on the general lines specified by the breeder.

(4) Protection of breeders' rights under this Law shall not be granted for plant varieties that have been offered for sale or commercialized with the breeder's consent before the date of the application for registration. Where necessary for the fulfilment of international agreements, the Minister may grant protection notwithstanding the fact that the plant variety concerned was offered for sale or commercialized in another country during the four years preceding the application for registration.

(5) Subject however to Section 3(1) of this Law, where more than one person apply for protection in the case of the same plant variety, the first to file the application shall be given priority.

2. — (*Repealed*)

3. — (1) The Minister of Agriculture may decree that breeders' rights in plant varieties bred abroad be protected in Denmark either in the event of reciprocity or where breeders' rights in plant varieties bred in Denmark are protected in the country concerned under the same conditions as apply to plant varieties bred in that country. Subject to the same conditions, the Minister may direct that nationals of countries granting protection to Danish nationals may obtain protection of breeders' rights, irrespective of their place of residence. For the purposes of Section 1(3)(a), (4) and (5) of this Law, the Minister of Agriculture may direct that an application for protection of a plant variety which has already been the subject of an application in a foreign country be deemed, upon request, to have been filed at the same time as the application in the foreign country. The Minister shall specify the conditions for claiming such priority.

(2) In addition to the cases referred to in subsection (1), the Minister may exceptionally grant protection under the provisions of this Law to a breeder of plant varieties bred abroad in so far as such protection is, in the particular case, in the interest of the agricultural and horticultural economy.

4. — (1) Applications for protection shall be examined by a board appointed by the Minister of Agriculture: the Plant Variety Board.

(2) The Minister of Agriculture shall determine the composition of the Board and its method of action; the Minister shall for this purpose decide whether the Board should be divided into sections for the various classes of plants or for the main classes of plants.

(3) For the examination of individual cases, the Board may be assisted by experts.

5. — (1) The Plant Variety Board shall keep a *Journal*, in which applications for protection shall be entered in chro-

nological order immediately upon receipt of the application, as well as a *Plant Variety Register*, in which plant varieties shall be entered when the Board has ascertained that the conditions governing final inclusion in the Register are satisfied. The Board shall moreover deposit applications, cultivation reports and any other documents relating to each plant variety in its *Plant Variety Archives*.

(2) The Journal and the Plant Variety Register shall be available to the public. The Minister shall decide to what extent the archives shall be available to the public.

(3) A list of protected species and varieties shall be published at regular intervals. This list may be published in connection with a list of varieties drawn up on the initiative of the State Plant-Growing Committee.

6. — (1) Applications for entry in the Plant Variety Register may be filed by the breeder himself or by a person resident in Denmark having a written power of attorney from the breeder. Where the person in whose name an application is submitted is resident abroad, the application shall be made through an agent living in Denmark. Such agent shall have been given full power to represent the breeder before the Board and, for any matter relating to the registration, may be summoned before the courts in the name of the person appearing on the application.

(2) Applications shall be filed in triplicate, one copy being stamped by the Board and returned to the applicant immediately after entry of the application in the Journal.

7. — (1) The application shall contain the following particulars:

- (a) The applicant's name and address.
- (b) The breeder's name and address.
- (c) A description of how the plant variety was bred. Such information may however, with the authorization of the Board, be omitted in special cases. An appeal may be made to the Minister of Agriculture against the decision of the Board within a period of four weeks.
- (d) A full description of the plant variety mentioning the characteristics distinguishing it from known plants (see Section 1(3)(a)) accompanied, where necessary, by drawings and photographs.
- (e) A declaration that the plant variety has not been commercialized with the breeder's authorization contrary to the provisions of this Law.

(2) The Board may request such further particulars as it thinks fit. Where the applicant is not the breeder, he shall furnish proof of his right to make the application.

(3) The applicant may also submit information concerning private or official cultivation trials carried out in Denmark or abroad.

(4) At the time of filing, the applicant shall pay a fee to be fixed by the Minister of Agriculture in contribution to the administrative expenses of the Plant Variety Board. The Board may require the applicant to pay, as soon as possible after its request, a deposit to cover the expenses relating to the cultivation trials (see Section 9).

8. — (1) As soon as possible after entry of the application in the Journal, the Board shall carry out a provisional examination as to whether the plant variety fulfills the conditions for registration. Unless the Board finds circumstances indicating that the conditions have not been fulfilled, it shall publish a short notice of the application in the Danish Official Gazette, in pursuance of regulations to be made by the Minister of Agriculture. The notice shall contain an invitation to persons interested to make known their objections to registration of the plant variety. The Board may publish a further notice shortly before final registration.

(2) In cases other than objections to the applicant's title, where the Board finds an objection justified it may, after giving the applicant an opportunity to express his opinion, accept the objection, remove the application from the Journal and terminate the cultivation trials. In such a case, the Board shall inform the person making the objection as well as the applicant of its decision. A notice to this effect shall also be inserted in the Official Gazette. Where the objection relates to the applicant's right to file the application for registration of the plant variety concerned, the Board shall invite the person making the objection to take proceedings against the applicant in accordance with Section 18. Where the Board is informed about such proceedings, it shall make the appropriate annotation on the application.

9. — (1) Before the plant variety for which protection is sought may be entered in the Plant Variety Register, the Plant Variety Board shall ensure, by means of cultivation trials (preliminary examinations), that the plant variety fulfills the conditions laid down in Section 1 and that it possesses the special characteristics stated in the application.

(2) The Minister of Agriculture shall decide, or leave it to the Board to decide, where the preliminary examinations will take place. In the case of the classes of cultivated plants for which an official performance trials system has already been established, such a system shall preferably be adopted also in the case of preliminary examinations.

(3) The normal period for preliminary examinations shall be determined by the Minister of Agriculture for each class of plants. By way of exception, however, where a plant variety has been tested by recognized institutions in Denmark or abroad, the Board may fix a shorter period; similarly, where the period in the particular case has proved too short for the Board to determine with a sufficient degree of certainty whether the conditions should be considered fulfilled, the Board may extend the period.

10. — (1) A plant variety which, on completion of the preliminary examinations, is considered to fulfill the conditions of Section 1, shall be registered under the variety or stock name indicated by the applicant (see Section 11). Where legal proceedings are under way, this fact shall be noted (see Section 8(2)).

(2) The Plant Variety Board shall publish a notice of the registration in the Official Gazette. At the same time, it shall draw up and issue to the applicant a certificate of protection.

11. — (1) The plant variety shall in all cases, even after the expiry of protection, be designated by a variety name in accordance with regulations to be made by the Minister of Agriculture.

(2) Any designation that is protected as a trademark for plants of the same or similar species or any designation likely to give rise to confusion may not be used as a variety or stock name. The Minister may permit, subject to specified conditions, a trademark, a name of a person, firm or place or a name distinctive of a landed property to be used in conjunction with the name of the variety.

(3) A name may not be used as a variety or stock name of a plant variety where such name belongs, at the time protection is granted, to any plant variety of the same or a related species. Nor may a designation likely to give rise to confusion be used. For any subsequently created plant variety, the variety or stock name of a plant variety of the same or related species that is or has previously been protected, or any designation likely to give rise to confusion with it, may not be used.

(4) At the request of the breeder, the Board may in special cases authorize a change of name or the translation of a foreign name into Danish.

12. — (1) In the case of forest trees, fruit trees, root-stocks and ornamental trees, the period of protection shall be 18 years dating from the issue of the certificate of protection.

(2) In the case of plants other than those referred to in subsection (1), the period of protection shall be 15 years dating from the issue of the certificate of protection.

13. — While the protection is in force, the breeder shall periodically pay a fee, which shall be determined by the Plant Variety Board under rules to be approved by the Minister of Agriculture.

14. — (1) No material for sexual or vegetative propagation (basic seed, basic cereal, seed potatoes, cuttings, etc.) of a protected plant variety may be produced for purposes of sale, offered for sale or commercialized without the authorization of the breeder or in breach of the agreed terms, including the terms relating to payment of royalties. In the case of material for vegetative propagation, this provision shall apply also to whole plants.

(2) Where ornamental plants normally sold for purposes other than propagation, or parts of such plants, are used professionally as propagating material with a view to the production of ornamental plants or cut flowers, subsection (1) shall also apply.

(3) Any person who, for purposes of sale, propagates a protected plant variety or who offers for sale or commercializes propagating material of a plant variety shall of his own accord furnish the breeder with the necessary information for the calculation and collection of the royalty payable.

14a. — The Minister of Agriculture may direct that any breeder of new varieties of specified classes of plants to which Section 14(2) does not apply shall be entitled to ask for royalties, on the conditions determined by the Minister, from any person who for purposes other than sale produces propagat-

ing material in his own professional interest. The breeder's right to royalties may be restricted to a shorter term of years than the period of protection and be made to relate only to propagation with a view to the production of crops for specified purposes. Section 14(3) shall apply *mutatis mutandis*.

15. — Protected plant varieties may be freely used for actual breeding work.

15a. — (1) In so far as necessary to ensure that the public is provided on reasonable terms with plant material, the breeder shall within a reasonable time satisfy, either himself or through others, orders for suitable propagating material of the protected plant variety.

(2) Any person whose request for authorization under Section 14(1) has been refused by the breeder may, either himself or through his professional organization, submit the matter to the Terms Board for New Plant Varieties. If the Board finds that the breeder has not complied with subsection (1), it may order the breeder to give his authorization and supply suitable material.

(3) The Board may not order the breeder to give his authorization and supply propagating material to any person who in the Board's judgment is unable to carry out the propagation or satisfactorily exploit the plant variety.

15b. — If the Minister of Agriculture thinks fit, in order to secure the widespread distribution of a plant variety or to prevent a substantial deterioration in a branch of trade, he may, on the recommendation of the Terms Board for New Plant Varieties, order the breeder to authorize the propagation, offering for sale or commercialization of a protected new variety by any person whom the Board deems qualified (see Section 15a(3)) and to satisfy, within a reasonable time, the orders of such person for suitable propagating material of the plant variety.

15c. — (1) The terms of the authorization to propagate, offer for sale and commercialize a protected plant variety, including royalty terms, shall be determined by the breeder. This provision shall apply also in the cases provided for in Sections 15a(2) and 15b.

(2) Any person considering the terms of an authorization unreasonable may, himself or through his professional organization, submit the matter to the Terms Board for New Plant Varieties. The Board may amend the terms if it considers them unreasonable.

16. — (1) The Plant Variety Board shall remove any plant variety from the Register —

- (a) where it is shown that the plant variety did not fulfill the requirements for entry in the Plant Variety Register (see Section 1(3)(a) or (4));
- (b) where, after a post-check, the Board finds the plant variety not to be sufficiently preserved;
- (c) where the breeder fails to comply with the Board's request to supply it with the necessary material for the purposes of post-checking; or
- (d) where the breeder fails to pay the fee provided for in Section 13 within two months after it is due.

(2) Where the Board finds that any of the grounds set out in subsection (1) for removal of the plant variety from the Register exists, it shall notify the breeder thereof by registered letter and invite him to put forward any objections within a period of four months. After the expiry of that period, the Board shall decide whether the plant variety should be removed. In the cases set out in subsection (1)(c) and (d), the Board may suspend its decision as to removal if the breeder supplies it with the necessary material for post-checking before the expiry of the period or pays all the fees due. The breeder shall be informed of the decision by registered letter.

(3) The decision of the Board shall not be subject to appeal to any higher administrative authority.

(4) Any action before the courts for review of the Board's decision shall be brought within two months after the breeder has received the notification of the decision.

(5) The plant variety shall be removed from the Register on the expiry of the period provided for in subsection (4). In the event of legal proceedings, the removal shall be postponed pending the final decision of the case.

(6) Once a plant variety has been removed, it may not be re-entered in the Register. This provision shall apply even where the plant variety was removed at the breeder's request. Removal shall be published in the Official Gazette.

17. — Where a protected plant variety did not fulfill the requirements of Section 1(3)(a) or (4) at the time that it was entered in the Plant Variety Register, any person having a legal interest may bring proceedings for removal of the plant variety from the Register. Such proceedings shall be brought against the breeder.

18. — Any dispute over the right to a plant variety for which protection has been applied for may be brought before the courts, both before and after registration, by any person claiming to have a better right to the plant variety. The action shall be brought against the applicant or the person whose name has been entered in the Register. Where the court decides in favor of the plaintiff's right to the plant variety, the Board shall transfer the protection to him.

19. — (1) A Terms Board for New Plant Varieties shall be set up by the Minister of Agriculture to decide the questions referred to in Sections 15a(2) and 15c(2).

(2) The Board shall consist of a Chairman, appointed by the Minister of Agriculture, who shall satisfy the general conditions for appointment as a judge of the Court of Appeal, and three other persons appointed by the Minister, one of whom shall be an expert in the breeding of plant varieties. The Minister shall also appoint, on the recommendation of the organizations concerned, one representative of agriculture, one representative of horticulture (including nursery-growing and the production of fruit-trees), one representative of the stock-owners of cereals, seed and potatoes, and one representative of the owners of plant varieties, other than potatoes, produced by vegetative propagation.

(3) The activities of the Board shall be directed to making plant varieties available to the public in so far as reasonable and at reasonable prices and to ensuring an equitable remuneration for the breeder.

(4) The Board's decision shall be the final administrative decision. The Board may, upon request, vary a decision taken by it, where this is warranted by a change in circumstances.

(5) The Minister shall make regulations concerning the functions of the Board, including, where appropriate, regulations on costs and security for costs.

20. — (1) Any person who deliberately or through gross negligence infringes Section 14 shall be liable to a fine, provided that he is not liable to a heavier penalty under the general law.

(2) Any person who —

- (a) infringes the provisions of Section 11;
- (b) fails to comply with any order made in pursuance of Sections 15a(2) or 15b;
- (c) fails to comply with any decision made in pursuance of Section 15c(2),

shall also be liable to a fine.

(3) The offense referred to in subsection (1) may only be prosecuted upon formal complaint of the person concerned.

20a. — Where any person is found to have sustained damage resulting from a breach of Section 14 but the extent of the damage is not capable of proof, he may be awarded damages not exceeding 5,000 kroner.

21. — (1) This Law shall not extend to the Faroe Islands or Greenland.

(2) A Bill amending this Law shall be laid before Parliament during the sessional year of 1973-74.

FINAL AND TRANSITIONAL PROVISIONS CONTAINED IN LAW No. 169 OF MAY 15, 1968

.....

2. — The Law shall come into force on June 1, 1968.

3. — (1) The provisions of Sections 14, 15a, 15b and 15c of the Plant Variety Breeders (Protection of Rights) Law shall not, for the time being, apply to plants, other than potatoes, that are normally subject to vegetative propagation.

(2) Any propagation for purposes of sale of a protected plant variety covered by subsection (1) may take place only on the basis of propagating material received from the breeder or his representative.

(3) The breeder of a protected plant variety covered by subsection (1) shall, within a reasonable time after the order,

make suitable propagating material of the plant variety available to any person who so requests. The provisions of Section 15a(3) of the Plant Variety Breeders (Protection of Rights) Law shall apply *mutatis mutandis*. In the case of plants not subject to degeneration, the person concerned shall, unless otherwise agreed, be entitled to continue, under the breeder's supervision, the propagation in subsequent years on the basis of the propagating material received, provided that he fulfills his obligations to the breeder.

(4) In addition, the breeder shall himself fix the terms for the supply of propagating material, including terms concerning payment of royalties. The terms shall not however be abusive. The royalties for a given plant variety should, all things being equal, be the same for everybody.

(5) The producer shall of his own accord furnish the breeder with any information required for the calculation and collection of the royalty (see subsection (4)).

(6) Any question as to whether the terms fixed by the breeder are reasonable and whether the breeder is entitled to refuse to supply propagating material (see subsection (3)) shall be decided by the Terms Board for New Plant Varieties.

(7) Any intentional or grossly negligent infringement of subsections (2) and (5) shall be liable to a fine, provided that a heavier penalty is not applicable under the general law. Any infringement of subsection (2) may only be prosecuted upon formal complaint of the person concerned.

(8) Section 20a of the Plant Variety Breeders (Protection of Rights) Law shall apply *mutatis mutandis* to any infringement of subsections (2) or (5).

(9) After consultation with the principal organizations of the trade concerned, the Minister of Agriculture may direct that specified groups of the plants referred to in subsection (1) be subject to the provisions of Sections 14, 15a, 15b and 15c of the Plant Variety Breeders (Protection of Rights) Law. Where necessary for the fulfilment of international agreements, the Minister shall make such a direction without the consultation referred to. Once a group has been made subject to those provisions, it may not, by administrative action, be made again subject to the provisions of this Section.

4. — (1) Any plant variety for which protection has been applied for or granted before the entry into force of the Law shall not be governed by the provisions of Sections 14, 15a, 15b or 15c of the Plant Variety Breeders (Protection of Rights) Law. This provision shall apply also to any foreign plant variety for which protection has been applied for in Denmark on the basis of an application made in another country prior to the entry into force of the Law.

(2) The provisions of subsections (2) to (8) of Section 3 shall apply to the plants referred to in subsection (1) of this Section.

concerning international cooperation which aims at giving varieties the same name in all countries.

Names are to be submitted by the breeder and must be approved by a special Nomenclature Board, which has been set up with a view to harmonizing the naming procedure for the purpose of plant breeders' rights with that of the Seed Testing Institute, the Seed Certification Committee, responsible for the implementation of the OECD Certification Schemes, and the Plant Experimental Service, responsible for performance trials and recommending lists of valuable varieties.

The Order allows trademarks and other supplementary designations (such as trade names and names of the breeders' farms) to be used in conjunction with the variety name, but they may not be more conspicuous than the name itself and must always be placed after it.

Foreign Breeders

In accordance with Article 4(3) of the Convention (see also Article 33(1)), Denmark has declared that it will apply the Convention to wheat, barley, oats, peas and potatoes. In the case of the genera and species not included in the list mentioned in Article 4(3), Denmark will grant the benefit of protection to breeders who are nationals of or who have their domicile or seat in States which are members of the Union for the Protection of New Varieties of Plants and which give

Danish breeders protection for new varieties of the same genera and species.

In accordance with these declarations, an Order issued by the Ministry of Agriculture on October 2, 1968, as amended on February 11, 1970, allows such foreign breeders to obtain protection for new varieties of

- (a) wheat, barley, oats, peas and potatoes under the provisions of the Convention, including Articles 11 and 12;
- (b) beans, ryegrass, red clover, apples, carnations and roses;
- (c) all other species which have been brought within the scope of the Danish Law and for which Danish breeders can obtain protection in the countries concerned.

As regards the species mentioned in (b) and (c) above, protection is given under the national law, which — as was said above — differs from the Convention as far as vegetatively propagated plants other than potatoes are concerned, and the four-year period provided for in Article 12(3) of the Convention does not apply to species mentioned under (b) and (c).

Furthermore, under an agreement with Sweden, Swedish breeders can obtain protection for new varieties of wheat, barley, oats, rye and field pea. This agreement runs until the end of 1972 in the hope that Sweden will by then be a member of the Union. Rose breeders in France and the United States of America also receive protection in Denmark.

BOOK REVIEWS

International Review of Industrial Property and Copyright (IIC). Quarterly journal. Edited by *Eugen Ulmer* and *Friedrich-Karl Beier*, Professors of Law, University of Munich, Director and Assistant Director, respectively, of the Max-Planck Institute. Verlag Chemie GmbH, Weinheim (Federal Republic of Germany).

The Max-Planck Institute has become, under the directorship of *Eugen Ulmer* (with *Friedrich-Karl Beier* as Assistant Director), an outstanding center of legal research in the fields of intellectual property and competition law. A large number of pertinent publications have been issued by this Institute, but have hitherto been accessible only to readers of German (with the exception of the series of books on unfair competition law in the European Common Market¹, which has appeared or will appear also in French and partly in Dutch and Italian).

It is therefore most welcome that the Institute has started to publish a quarterly journal in English, thus presenting the essential results of its work to a larger audience.

Each of the first two issues of this new publication contains articles written by experts and deals with various aspects of intellectual property, such as, for example, deferred examination in patent granting procedure (*K. Haertel*), patenting of chemical products in USA, UK, and Germany (Federal Republic) (*I. Marcus, R. D. Satchell* and *V. Schmied-Kowarzik*), the new Hungarian Patent Law (*S. Vida*), the problem of territoriality in trademark law (*F.-K. Beier*), the revision of the copyright conventions (*E. Ulmer*), and intellectual property protection in Czechoslovakia (*K. Knap*).

The same approach is adopted in the second part of the review, which contains translations of court decisions of international importance issued in non-English-language countries. The decisions published in the first two issues deal with problems of patent law (such as the patentability of computer programs), trademark law (such as trademark infringement in case of parallel imports), unfair competition law (such as registration of a foreign competitor's known trademark) and copyright law (such as motion picture rights and subsequent use on television).

The review furthermore contains documents (the first issue reproduces the First Preliminary Draft of a Convention Establishing a European System for the Grant of Patents), general information (on the activities of the Max-Planck Institute, on the Washington PCT Conference), book reviews, and the so-called "IIC-Abstracts": each abstract gives a brief summary of an article, a book or a court decision issued in a non-English-speaking country and is presented according to a number system which covers the whole field of intellectual property.

As a whole, the first two issues of *IIC* show that this new publication fills a long-standing gap. It informs interested circles, in English, of recent developments in intellectual property matters, in particular as regards non-English-speaking countries. Moreover, due to the high quality of its articles, it is a remarkable contribution to international discussion in this field.

L. B.

¹ See the book review in *Industrial Property*, December 1965, p. 289.

Legea mărcilor de fabrică, de comerț și de serviciu [Law on Trademarks and Service Marks], by *Emanuel Holban* and *Stelian Marinescu*. Published by Editura științifică, Bucharest, 1970. 270 pages.

This work introduces and comments on the recent Romanian Law on Trademarks and Service Marks, which was published in translation in the September 1968 issue of this review¹.

Each section of the new Law is followed by a commentary comparing it with similar provisions in the domestic law of various countries and in international law as embodied in the Paris Convention and the Madrid Agreement Concerning the International Registration of Marks. The commentary also refers to relevant judicial decisions in various countries.

This work of 270 pages will certainly be of interest to jurists with a sufficient knowledge of Romanian who wish to familiarize themselves with legal developments in socialist countries. G. R. W.

¹ Pages 279 *et seq.*

* * *

Propiedad industrial [Industrial Property], by *Mariano Uzcátegui Urdaneta*. Published by Casuz, Caracas, 1970. 146 pages.

There are at least two reasons why Venezuela's experience in industrial property is of enormous value to developing countries: the first is the rapid pace of the country's economic development; the second is the fact that its experience is over a century old — the first law on industrial property dates back to 1842.

At the same time it should be pointed out that Dr. Uzcátegui Urdaneta was one of the fathers of Venezuela's present Industrial Property Law.

This work will therefore be read with interest not only by those familiar with industrial property law but also by persons who are studying the means of accelerating the economic development of the third world. G. R. W.

Gesetzesverletzung und Sittenverstoss [Breach of the Law and Acts Contrary to Honest Practices], by *Gerhard Schricker*. Published by G. H. Beck'sche Verlagsbuchhandlung, Munich, 1970. 298 pages.

The title of this book suggests a study of a philosophical nature; in fact, the book deals with a particular and practical problem of the law of unfair competition, for which the author is already known as an expert¹.

The problem concerns the definition of unfair competition: does, for instance, a businessman who fails to comply with certain statutory provisions, such as safety regulations, and is thereby enabled to sell at lower prices commit an act of unfair competition? Cases of this kind occur rather frequently as there are many such statutory provisions which do not directly affect the relationship between competitors (regulations concerning tax and duty, shop hours, permission to open a business &c.). The question is whether such a businessman can be sued in the civil courts or whether the only course open to competitors is to draw his breach of the law to the attention of the administrative or penal authorities.

The question is dealt with on a comparative basis, covering the six countries of the European Economic Community, Austria and Switzerland, most of which apply a definition of unfair competition similar to that of Article 10^{bis}(2) of the Paris Convention.

There are various criteria being used for the interpretation of such a definition — legal and ethical criteria, the customs of the country concerned and others. In Schricker's opinion no one criterion is decisive. Two, however, have a special importance: (a) whether the provision that has been infringed tends to protect, among other interests, those of competitors, and (b) whether an advantage has been derived from the breach of the law.

The study deals exhaustively with these questions. It will be a useful guide for those who wish to penetrate the complexities of the law of unfair competition. L. B.

¹ Schricker contributed the reports relating to Belgium and Italy in the series on unfair competition prepared by the Max-Planck Institute at the request of the Commission of the European Economic Community, reviewed in *Industrial Property*, December 1965, p. 289.

CALENDAR

WIPO Meetings

February 8 to 11, 1971 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committee for Technical Assistance, Interim Committee for Technical Cooperation and Interim Advisory Committee for Administrative Questions

Members: Signatory States of the PCT

February 11 and 12, 1971 (Geneva) — Patent Cooperation Treaty (PCT) — Financing Working Group

Members: Canada, France, Germany (Fed. Rep.), Italy, Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America

February 8 to 12, 1971 (Moscow) — Joint ad hoc Committee on the International Classification of Patents — Working Group I*

February 15 to 19, 1971 (Munich) — Joint ad hoc Committee on the International Classification of Patents — Working Group II*

February 15 and 16, 1971 (Geneva) — Group of Consultants on International Registration of Marks

Invitations: Representatives of Industry and Commerce

February 17 and 18, 1971 (Geneva) — Group of Consultants on International Registration of Marks

Invitations: Algeria, Austria, France, Germany (Fed. Rep.), Hungary, Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America

* Meeting convened jointly with the Council of Europe.

** Dates to be confirmed later.

- February 19, 1971 (Geneva) — **Group of Consultants on International Registration of Marks**
Invitations: Representatives of Trademark Attorneys and Agents
- February 22 to 26, 1971 (Geneva) — **Committee of Experts on the Protection of Type Faces**
Object: Study of a preliminary draft Agreement — *Invitations:* Member States of the Paris Union and organizations concerned
- March 1 to 5, 1971 (Paris) — **Committee of Experts on the Protection of Phonograms**
Object: Preparation of a draft international instrument — *Invitations:* Member States of the Berne Union, Member States of the Paris Union, States party to the Universal Copyright Convention — *Observers:* Other States, members of the United Nations or of a Specialized Agency; Intergovernmental and non-governmental organizations concerned — *Note:* Meeting convened jointly with Unesco
- March 15 to 24, 1971 (Strasbourg) — **Diplomatic Conference on the International Classification of Patents ***
Object: Adoption of a new Agreement — *Invitations:* Member States of the Paris Union and of the Council of Europe — *Observers:* Other States, members of the United Nations or of a Specialized Agency; Intergovernmental and non-governmental organizations concerned
- April 14 to 16, 1971 (Geneva) — **ICIREPAT — Advisory Board for Cooperative Systems**
- April 14 to 16, 1971 (Geneva) — **ICIREPAT — Technical Committee for Computerization**
- April 19 to 23, 1971 (Geneva) — **ICIREPAT — Technical Committee for Shared Systems**
- April 26 to 30, 1971 (Geneva) — **ICIREPAT — Technical Committee for Standardization**
- April 21 to 30, 1971 (Lausanne) — **Committee of Governmental Experts on Problems in the Field of Copyright and of the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Raised by Transmission Via Space Satellites**
Object: Study of the problems — *Invitations:* Member States of the Berne Union, Member States of the Paris Union and Member States of the United Nations or of a Specialized Agency — *Observers:* Intergovernmental and non-governmental organizations concerned — *Note:* Meeting convened jointly with Unesco and in cooperation with the International Labour Office and the International Telecommunication Union
- May 3 to 7, 1971 (London) — **Joint ad hoc Committee on the International Classification of Patents — Working Group V ***
- May 24 to 28, 1971 (Strasbourg) — **Joint ad hoc Committee on the International Classification of Patents — Meeting of the Bureau ***
- June 14 to 16, 1971 (Geneva) — **ICIREPAT — Technical Coordination Committee**
- June 22 to 25, 1971 (Montreux) — **WIPO Lecture Series: "Current Trends in the Field of Intellectual Property"**
 Participation open to all interested persons subject to payment of a registration fee
- July 5 to 9, 1971 (Munich) — **Joint ad hoc Committee on the International Classification of Patents — Working Group III ***
- July 5 to 24, 1971 (Paris) — **Diplomatic Conference for the Revision of the Berne Convention**
Object: Revision of the Stockholm Act — *Invitations:* Member States of the Berne Union — *Observers:* Other States, members of the United Nations or of a Specialized Agency; Intergovernmental and non-governmental organizations concerned
- September 6 to 10, 1971 (Place to be fixed) — **Joint ad hoc Committee on the International Classification of Patents — Working Group IV ***
- September 13 to 17, 1971 (The Hague) — **Joint ad hoc Committee on the International Classification of Patents — Working Group I ***
- September 22 to 24, 1971 (Geneva) — **ICIREPAT — Plenary Committee**
- September 21 and 22, 1971 (Geneva)** — **WIPO Headquarters Building Subcommittee**
Members: Argentina, Cameroon, France, Germany (Fed. Rep.), Italy, Japan, Netherlands, Soviet Union, Switzerland, United States of America
- September 27 to October 1, 1971 (Berne) — **Joint ad hoc Committee on the International Classification of Patents — Working Group II ***
- September 27 to October 2, 1971 (Geneva) — **WIPO Coordination Committee, Executive Committees of the Paris and Berne Unions, Assembly and Committee of Directors of the National Property Offices of the Madrid Union, Council of the Lisbon Union**
- October 4 to 8, 1971 (Geneva) — **Committee of Experts on International Registration of Marks**
Object: Preparation of the Revision of the Madrid Agreement or of the Conclusion of a New Treaty — *Invitations:* Member States of the Paris Union and organizations concerned
- October 4 to 9, 1971 (Geneva) — **Joint ad hoc Committee on the International Classification of Patents — Working Group V ***
- October 11 to 15, 1971 (Geneva) — **ICIREPAT — Technical Committee for Computerization**
- October 13 to 15, 1971 (Geneva) — **ICIREPAT — Advisory Board for Cooperative Systems**
- October 18 to 22, 1971 (Geneva) — **ICIREPAT — Technical Committee for Shared Systems**
- October 25 to 29, 1971 (Geneva) — **ICIREPAT — Technical Committee for Standardization**
- November 9 to 12, 1971 (Geneva) — **Joint ad hoc Committee on the International Classification of Patents — Meeting of the Bureau ***
- November 15 to 18, 1971 (Geneva) — **Joint ad hoc Committee on the International Classification of Patents — Plenary Committee ***
- November 15 and 16, 1971 (Geneva) — **Intergovernmental Committee Established by the Rome Convention (Neighboring Rights)**
Note: Meeting convened jointly with the International Labour Office and Unesco
- November 17 to 20, 1971 (Geneva) — **Executive Committee of the Berne Union**
- December 6 to 11, 1971 (Geneva)** — **Patent Cooperation Treaty (PCT) — Interim Committees**
Members: Signatory States of the PCT
- December 13 to 15, 1971 (Geneva) — **ICIREPAT — Technical Coordination Committee**

* Meeting convened jointly with the Council of Europe.

** Dates to be confirmed later.

Meetings of Other International Organizations Concerned with Intellectual Property

February 22 and 23, 1971 (London) — International Confederation of Societies of Authors and Composers — Legal Committee

April 17 to 24, 1971 (Vienna) — International Chamber of Commerce — Congress

May 18 to 21, 1971 (Caracas) — Inter-American Association of Industrial Property — 3rd Congress

May 18 to 22, 1971 (Stockholm) — International Federation of Patent Agents — General Assembly

May 25 to 29, 1971 (Leningrad) — International Association for the Protection of Industrial Property — Council of Presidents

June 21 to 28, 1971 (Toronto - Montreal) — International Writers Guild — 3rd Congress

July 5 to 24, 1971 (Paris) — Unesco — Diplomatic Conference for the Revision of the Universal Copyright Convention

International Conference for the Setting Up of a European System for the Grant of Patents (Luxembourg):

April 20 to 30, 1971 — Conference

September 13 to 17, 1971 — Working Party I

October 11 to 22, 1971 — Working Party I

November 15 to 19, 1971 — Working Party I

VACANCIES IN WIPO

Applications are invited for the following posts:

Competition No. 135
Technical Counsellor
(Industrial Property Division)

Category and grade: P. 4/P. 5, according to qualifications and experience of the incumbent.

Principal duties:

The incumbent will — subject to general directives and by delegation of authority from the Head of the Industrial Property Division — be responsible to the latter for the coordination and implementation of the program of WIPO in the field of documentation, classification and information retrieval with respect to patent documents.

His particular duties will include:

- (a) coordination of, and participation in, the work of WIPO in the field of:
 - (i) documentation, in particular as regards the implementation of the relevant provisions of the Patent Cooperation Treaty (PCT);
 - (ii) patent classification, in particular as regards the work with respect to the International Patent Classification (IPC);
 - (iii) information retrieval, in particular as regards the work of the "Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices" (ICIREPAT);
- (b) assistance in preparation of the program of WIPO in the above-mentioned fields;
- (c) preparation of, and secretarial assistance to, meetings convened by WIPO in execution of its program in the above-mentioned fields, in particular preparation of documents for, and reports of, such meetings;
- (d) preparation of reports on the work performed and planned in the above-mentioned fields;
- (e) assistance in coordinating the work of the Patent Offices and interested governmental organizations participating in the program of WIPO in the above-mentioned fields;
- (f) contacts with industry and private organizations to ensure harmonization of efforts in the above-mentioned fields;
- (g) participation in meetings of other international organizations dealing with documentation, classification and information retrieval with respect to patent documents.

Qualifications:

- (a) University degree in a relevant field of science or technology or qualifications equivalent to such degree.
- (b) Wide knowledge and experience in the fields of documentation, classification and information retrieval.
- (c) Excellent knowledge of English and at least a good knowledge of French.

Practical experience in dealing with documentation, classification and information retrieval problems in the patent field and in the processing of patent applications, for instance as a patent examiner, would be an advantage.

Competition No. 136

Deputy Head, External and Public Relations Division

Category and grade: P. 4/P. 5, according to qualifications and experience of the incumbent.

Principal duties:

The incumbent will assist the Head of the Division in directing the said Division and in the accomplishment of the following tasks:

- (a) such relations with Member States as fall within the competence of the Division, including those connected with the functions of WIPO as depository of conventions and treaties;
- (b) relations with the United Nations, its bodies and Specialized Agencies, as well as with other intergovernmental organizations;
- (c) representation of WIPO at meetings sponsored by the organizations and bodies mentioned under item (b);
- (d) preparation of working documents for, and reports on, the said meetings.

The Deputy Head will directly supervise the work of the officers of the Division acting in the external relations field.

Qualifications:

- (a) University degree in law or equivalent legal qualifications.
- (b) Familiarity with the activities and procedures of the United Nations, its organs and its Specialized Agencies.
- (c) Experience in the field of intellectual property, especially in its international aspects.
- (d) Proven ability for representing the Organization at international meetings.
- (e) Excellent knowledge of one of the following working languages: English or French; and at least a good knowledge of the other.

Competition No. 137**Head of Copyright Division**

Category and grade: P. 5

Principal duties:

The incumbent will direct the Copyright Division of the International Bureau. In this capacity his duties will include:

- (a) formulation of proposals for the preparation and implementation of the WIPO's Copyright and Neighboring Rights program;
- (b) writing of legal studies;
- (c) acting as editor of *Copyright* and *Le Droit d'Auteur*;
- (d) representing WIPO at meetings concerning Copyright and Neighboring Rights and preparation of working papers for and reports on such meetings;
- (e) directing the work of maintaining up to date a collection of Copyright and Neighboring Rights legislation.

Qualifications:

- (a) University degree in law or equivalent legal qualifications.
- (b) Wide experience in the field of Copyright and Neighboring Rights, including its international aspects.
- (c) Excellent knowledge of one of the following working languages: English or French; and at least a good knowledge of the other. Additional languages would be an advantage.

Competition No. 138**Counsellor**

(Director General's Office)

Category and grade: P. 4/P. 5, according to qualifications and experience of the incumbent.

Principal duties:

The incumbent will, under the general supervision of the First Deputy Director General, assist the Director General and the Deputy Directors General by performing in particular the following tasks:

- (a) participation in the general planning of WIPO activities;
- (b) contacts with the various services of WIPO, particularly as regards the control of progress on various assignments and liaison among such services on questions requiring coordinated activity;
- (c) carrying out special studies in the intellectual property and international relations fields;

- (d) collaboration in the preparation of WIPO meetings on administrative and legal matters;
- (e) representing WIPO in international meetings; contacts with representatives of Member States and other visitors.

Qualifications:

- (a) University degree in law or equivalent legal qualifications.
- (b) Experience in the field of Intellectual Property (including its international aspects).
- (c) Proven ability in implementing professional contacts at an international level.
- (d) Excellent knowledge of one of the following working languages: English or French; and at least a good knowledge of the other.

With regard to the above-mentioned posts:

Nationality:

Candidates must be nationals of one of the Member States of WIPO or 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 WIPO.

Age limit:

At the P. 5 level: less than 55 years of age at date of appointment.

At the P. 4 level: 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, WIPO, 32, chemin des Colombettes, 1211 Geneva, Switzerland. Please refer to the number of the competition.

Closing date: February 28, 1971.