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INTERNATIONAL BUREAU
for the
PROTECTION OF INDUSTRIAL PROPERTY

ANNUAL REPORT

72nd Year

1955 - 56

NOTE : This translation is produced for the convenience of English-speaking Member States. It has not been thought necessary to reproduce the various accounts, lists and tables which appear in the original Report in French.

PART I

I. Organisation

Three promotions have been officially granted with effect from the 1st January 1955 :- M. Magnenat has been promoted to the rank of Secretary 1st class, MM. Thoma and Rossier to the rank of Chancery Assistants.

The Swiss Government, as the High Authority (see Article 13 of the Paris Convention), has established on 8th November 1955, with immediate effect, new "Regulations concerning the Organisation and the operation of the United International Bureaux for the Protection of Industrial, Literary and Artistic Property"; the former Regulations, dated 31st January 1947, are annulled.

II. Activities of the Bureau

1. Industrial Property Rights and the War

There have been no further adhesions to the restricted and temporary Arrangement of Neuchâtel of the 18th February, 1947, concerning the maintenance and restoration of industrial property rights affected by the Second World War. On the 31st December 1955, 34 contracting States belonged to this restricted temporary Union.

The special measures taken after the war have now lapsed except for bilateral conventions established with a view to mitigating the effects of the Second World War on Industrial Property Rights. The agreements between Japan and Sweden [217] (1) and Denmark [217], and the German Federal Republic with Cuba [217] have already been reported.

2. "Industrial Property" Review

The price of annual subscriptions has been maintained at 24 Swiss francs. Single monthly copies of past years have, however, been fixed at 5 S. francs. Single monthly copies of the current year are sold at 4.- Swiss francs, as before; annual collections of

(1) The figures in square brackets refer to the pages in the *Propriété Industrielle*, 1955

previous years now cost 40.- Swiss francs.

The circulation figure has remained at 1,650 copies per monthly issue, distributed as follows : 303 to Administrations belonging to the Union (official copies); 152 copies for exchange or information purposes; 806 copies to paying subscribers; 389 as reserve stock.

A number of subscribers have expressed the wish that we should publish, apart from the ordinary edition, a special edition on single detached pages and printed on one side only. As a result of a favourable enquiry, we have now been able to make available as from January 1955, this special edition at the price of 34.- Swiss francs per annum (24.- Swiss francs for the ordinary edition). The higher cost of the subscription for the special edition is due to extra printing costs. After one year's trial, we can safely say that this special edition does in fact meet an effective demand, there being already 51 subscribers.

The 1955 volume of our review "La Propriété industrielle" has 256 pages, ten issues of which have 20 pages each, one issue 24 pages and one issue 32 pages.

Under the heading multilateral conventions, we have mentioned the European Convention on the International Classification of Patents [3] established by the Council of Europe and signed at Paris on the 19th December, 1954.

With regard to the temporary protection of industrial property rights at exhibitions, we have received 12 notifications, 11 of which emanate from Italy and one from Ireland. They cover in all, 23 exhibitions or fairs.

Legislative texts from 21 countries have been published, 18 of which are Unionist States and three non-Unionist.

Regarding industrial property in general, we have published a Bolivian ordinance concerning the increased official fees for application and publication of patents, trade marks and industrial designs [165]; a Finnish ordinance concerning the fees for patents and trade marks [198]; a decree by the Mexican President concerning

the obligatory marking of leather goods [166]; a Royal Norwegian decree approving and bringing into force the provisions concerning applications for patents, the deposit of trade marks, industrial designs and models [85, 109] and a Tangiers Law on the Protection of Industrial Property [23]. Poland has communicated to us the ordinance of the President of the Patent Office concerning the deposit of inventions, models and trade marks [150, 167].

Among various provisions concerning patents, we have published a law by the German Federal Republic on fees levied by the Patent Office [104]; a Belgian law relating to the disclosure and the working of inventions and of secret manufacturing processes of interest to national defence and State security [63]; the Bulgarian decree which came into force concerning inventions, technical improvements and proposals for rationalisation [106]. France has passed a decree regulating the public administration for the application of decree N° 53-970 modifying and completing the law of 5th July 1844 concerning patents of invention and establishing compulsory licences [21]. The French law of 1844 has also been modified by decree [108], and two decrees have specified the conditions for applying decree N° 33-971 which established special licences for patents concerning the manufacture of pharmaceutical products or remedies. [128, 130] The Indian Government has informed us that its law on patents has been revised [131] and the Norwegian Government has communicated to us the texts of the law which modifies the patent law and the new law concerning inventions of importance to national defence [45, 47]. Switzerland has communicated to us the text of its new patent law [200, 218, 239], including the regulations [242], and Tunisia a decree concerning the assignment and granting of rights connected with patents of inventions [173].

By a law of 5th May 1936/ 18th July 1953 [41], the German Federal Republic has regulated the protection of utility models.

Provisions concerning industrial designs and models have been few. We have published a Norwegian law modifying the law of industrial designs and models 77.

With regard to trade marks, the German Federal Republic adopted rules of opposition made in the course of registration of trade marks 1037. Egypt has modified certain provisions of the law of 1939 on trade marks and trade names 447, and has published a decree which modifies the 1939 decree in the same field 647. France has promulgated a law and regulations concerning trade marks confiscated in France as enemy property 67. We have published a Greek law modifying and completing the law on trade marks 1467 and a Norwegian law which modifies the law on trade marks and false descriptions of goods and commercial establishments 7.

With regard to the protection of indications of origin, we have referred to four Austrian Ordinances 81, 82, 837, and one Japanese law 667, concerning the prevention of unfair competition.

General studies published in the 1955 issues are based on recent ideas concerning the protection of industrial property in the present state of world economy 9 and include a preliminary study on the international definition of a trade mark 247; a re-arrangement of the text of the Union Convention of Paris for the protection of industrial property 707, notes on the protection of plant products 1167, legal protection for plant products in Spain 1197, industrial property and economic development 1347; the new Greek law on trade marks 1557, the European conception of patent law 1747; the conditions for applying the French "decrét-loi" of 30th September 1953 establishing compulsory licences 207; and difficulties in the field of trade marks 2317.

Under the heading: Miscellaneous news, we have published, inter alia, information on the procedure to be adopted by foreigners wishing to obtain patents in the U.S.S.R. 197; a note on the situation of trade marks deposited for pharmaceutical goods in Syria 407; the text of the speech made by M. Neumayer, Federal Minister of Justice to the staff of the Patent Office of the German Federal Republic 1617 and a note on the procedure to be

followed for the registration of pharmaceutical goods, drugs, food-products and cosmetics in the Dominican Republic 1967.

In our notes on International Organisations, we have published a list of the members of the Bureau of the International Patent Institute of The Hague 807, and a report of the Council of Europe of the meeting from the 3rd to 7th October 1955 of the Committee of Experts on patents 2367. We have also published the Agreement signed between the President of the International Patent Institute, The Hague, and the Director of the United International Bureaux for the Protection of Industrial, Artistic and Literary Works 617.

General statistics on industrial property for the year 1954 have been published on pages 254 to 256 of our monthly review.

The works of Messrs Herbert Erasmus, Eugen Langen, Robert Jean Matthey, Alois Troller et Thomas A. Quemner have also been reviewed or reported.

3. Correspondence

The International Bureau has sent and received 58,424 letters in 1955 as against 57,730 in 1954. A total of 2,350 letters concerned industrial property (in 1954: 1,869), 48,185 concerned more particularly the international registration of trade marks (1954: 47, 292) and 2,623 letters concerned the international deposit of industrial designs and models (1954: 2,701). Moreover, 3,895 letters concerning both the Industrial and the Literary Unions should be added as against 3,822 in 1954; 1,371 concerned the Literary Union only (1954: 2,046). The general total is 58,424 as against 57,730 in 1954, thus registering an increase of 1.2% from 1954 to 1955, and of 734.45% compared with the year 1913 (7,012 letters)*.

* We have chosen 1913 as a means of comparison, because that year marked the end of a long period of peace and prosperity, preceding the year 1914, which was the first year of an era of conflicts, monetary devaluations and limitations to free trade which still afflict the world after a short period of calm between the two World Wars.

4. Library

When the United International Bureaux for the Protection of Industrial Property, Literary and Artistic Works was first established in Berne in 1892, a small library was started for the Bureaux' private use. At that time, the library consisted merely of a limited number of classical works which were considered as indispensable in the field of industrial law, copyright and international public and private law. As time went on, new works on industrial law and copyright were published and sent to the Bureaux for reviewing in the two official monthly publications: "La Propriété industrielle" and "Le Droit d'Auteur". Thus gradually the library of the United International Bureaux was developed and has now become largely representative in the specialised field of industrial property and copyright. Owing to lack of adequate funds, however, the Bureaux have difficulty in keeping the library up to date.

Jurists and particularly Swiss jurists have not failed to appreciate the true value of this library: many Swiss professors, lawyers and students have requested and have been given access to our library for research work; a unique and invaluable instrument for study is thus at their disposal, since the seat of the Bureaux is in Switzerland.

Nevertheless, neither the Union Convention of Paris for the Protection of Industrial Property nor the Berne Convention for the Protection of Literary and Artistic Works stipulate that the International Bureau should establish a library, much less keep it open to the public. However, in spite of the texts, the fact is there, a proof of the services rendered by the Bureaux to legal knowledge to industry and to authors.

There is, of course, no question of turning back and closing our library to jurists and to the public in general. On the contrary, common interest calls for the development and improvement of the services offered by the library.

At the request of the Director, the Swiss Federal Council in 1955 decided to ask Parliament for an annual subsidy of 10.000 francs to be included in the budget of the Confederation; this proposal was accepted. The subsidy is renewable until such time as a Conference of revision increases the budget of the International Bureau for the purposes of the library.

Thus, thanks to the generous action of the Swiss Federal Council, the library of the International Bureaux has been able, as from last year, to develop on normal lines.

5. Congresses and Meetings

We have mentioned the meeting held in Paris on the 17th November 1954, of the Commission for the Protection of Industrial Property [19], an organ of the International Chamber of Commerce.

The Resolutions taken at the XVth Congress of the International Chamber of Commerce (held in Tokyo from 15th to 21st May 1955) were published on page 142.

The Executive Committee of the AIPPI held its meeting at Sirmione from 30th May to 3rd June 1955. The general report of this meeting is published on page 158.

III. Periodical Conferences

Accessions - International Conferences

1. During 1955, Mexico [101] adhered to the London text of the Union Convention of Paris with effect from the 14th July. Italy [101] also adhered to the London texts of the Union Convention and of the Madrid Arrangement concerning the International Registration of Trade Marks with effect from the 15th July.

Turkey [197] will leave the restricted Union of the Madrid Arrangement concerning the International Registration of Trade Marks as from the 10th September, 1956.

At the end of 1955, the situation was as follows : -

Union Convention: out of 44 States, 4 are bound by the Washington text, 9 by The Hague text and 31 by the London text;

Arrangement of Madrid (Indications of origin): out of 27 States, 2 apply the Washington text, 7 The Hague text and 18 the London text.

Arrangement of Madrid (Trade Marks): out of 20 States, only one remains bound by the Washington text, 5 by The Hague text and 14 are bound by the London text.

Arrangement of The Hague (industrial designs and models): Out of 12 States, one remains bound by The Hague text whilst the 11 others are bound by the London text.

2. The preparation for the revision of the Paris Convention is among the more important problems on which the International Bureau for the Protection of Industrial Property is now engaged. From 25th April to 3rd May, 1955, a Committee of Experts set up in view of the revision of the Convention met in Berne. As was recalled by the Director of the Berne Bureau during the first sitting of this meeting, the object of the meeting was "to give both to the Portuguese Government and to the International Bureau, useful indications of the items which should be included on the Agenda of the Lisbon Conference". A brief report concerning this meeting is published on page 102.

The problem of establishing an international documentation centre for patents under priority has for some time been studied by the International Bureau. A Committee of Experts has been specially entrusted with this question. An analytical report of the meeting of the experts is found on page 121.

The Consultative Committee of the Directors of National Offices for Industrial Property belonging to the restricted Madrid Arrangement for the International Registration of Trade Marks, which met in Berne from the 5th to 8th May 1953,⁽¹⁾ with a view to preparing the revision of the Madrid Arrangement, was of the opinion that this work should be pursued within the framework of smaller committees. To this end, the Consultative Committee

(1) See Prop. Ind. 1953, pp. 65, 145, 146

established a Co-ordinating Committee with extensive powers; a Committee for Classification was also set up. The Co-ordinating Committee held a meeting in Monte Carlo from the 29th November to 3rd December 1955, The Committee examined a draft proposal for the revision of the Madrid Arrangement concerning the International Registration of Trade Marks and a draft proposal for a new Arrangement for the International Classification of Products to which trade marks apply.

IV. Territorial Extent of the Union on 31st December 1955

There was no new contracting Member State to the Union in 1955. Thus the General Union, established by the Paris Convention, still numbers 44 contracting States; the restricted Arrangement of Madrid for the Prevention of False Indications of Origin on Goods, 27 States; the restricted Arrangement of Madrid concerning the International Registration of Trade Marks, 20 States and the restricted Arrangement of The Hague concerning the International Deposit of Industrial Designs or Models, 12 contracting States.

PART II

Service for the International Registration of Trade
Marks

There has been no new adhesion to the list of countries bound by the restricted Arrangement of Madrid concerning the international registration of trade marks. On the other hand, the Turkish Embassy in Berne notified the Swiss Federal Political Department, in a letter received on the 10th September, 1955, of the denunciation of the Arrangement by Turkey. In accordance with Article 11 bis of the Arrangement, this denunciation will have effect as from 10th September, 1956.

Italy has adhered to the revised London text of the Arrangement, with effect from 15th July, 1955.

The following 14 States are bound by the London text :

Austria	Luxembourg
Belgium	Morocco (French Zone)
Egypt	Netherlands
France	Portugal
Germany	Switzerland
Italy	Tangier (Zone of)
Liechtenstein	Tunisia

The text of The Hague is still applicable to the following five States : Czechoslovakia, Hungary, Spain, Turkey and Yougoslavia.

Roumania is still bound by the Washington text.

Statistics of international trade marks
since the commencement (1883 to 1955)

Table I (International trade marks registered)
Table II (Assignments)
Table III (Refusals)

An analysis of table I shows that the Service for the international registration of trade marks has registered 7,955 marks during the year 1955, that is to say 114 less than during 1954 (decrease of 1.4%).

Out of 557 marks registered in 1945 and for which the international fee had been paid for 10 years only at the time of deposit, the further fee covering protection for another 10 years was paid on 265 trade marks, i.e. for 47.5% of trade marks registered.

There were 1,461 (18%) requests for registration of trade marks which had already been previously registered internationally.

Out of a total of 7,955 marks, 302 (3.8%) included a colour specification or an assortment of colours as a distinctive element.

During 1955, notices of refusals of protection for 13,773 trade marks were transmitted to the owners or to their assignees. It will be noted that for one and the same trade mark, there may be several such notifications emanating from different Administrations. Table II shows the origin and the number of these notifications.

The above figures only refer to the first notification of refusal; in many cases subsequent notifications either confirm the first refusal, mitigate the extent of the first refusal or cancel the previous decision. During 1955, notifications modifying or confirming the first notice, concerned a total of 13,773 marks (as against 11,495 in 1954).

During the year 1955, the Service has dealt with 743 assignments and 1,731 "miscellaneous transactions" - this term includes specific limitations to lists of goods, changes in the names of firms, changes of domicile or addresses, corrections, etc. The administrative work concerning the status of valid international marks affected 2,474 marks (as against 3,031 in 1954).

593 marks were struck off the International Register (as against 573 in 1954). 271 cancellations were made on the basis of notifications of renunciation emanating from the Administrations of the country of origin of the mark, whereas 321 were cancelled because the extra fee for the second 10-year period of protection was unpaid. One mark was cancelled after being assigned into a non-unionist State (see Article 9 bis, paragraph 3 of the Madrid Arrangement).

The service has also taken note of 68 cancellations of national marks on which were based an equal number of international registrations. The cancellation of the national marks has not brought about the automatic cancellation of the corresponding international marks (see a note on this subject published in the 1952 Annual Report, page 16).

Renunciations and total or partial cancellations concerning goods affecting one or more contracting States (but not all) total 1,218. Renunciations number 1,185, 567 of which were notified at the time of registration of the mark. As was the case for last year, the majority of such renunciations originate from owners desirous of avoiding a refusal of protection for their mark in Spain, by complying with Article 130 of the Spanish law, which provides that a mark may not be registered for more than one class of goods, according to the classification adopted by that country.

Cancellations (due to invalidations) total 33, 31 of which were consequent to Administrative decisions, and 2 due to court decisions.

1,864 searches of anticipation were made in 1955, 1,764 of which concerned verbal marks and 81 figurative marks. There were 19 requests for a list of international trade marks registered in the name of an individual or a specified firm.

The Service despatched 1,446 extracts concerning a total of 2,085 marks. Furthermore, the Service was called upon to deliver certificates of identity concerning 12,455 international

marks in view of the reassignment to former owners or to their assignees, of German trade marks confiscated in France.

A total of 48,185 letters were received and despatched by the Service in 1955 (as against 47,292 in 1954).

Monthly Bulletin : "International Trade Marks"

2,900 copies are printed monthly and are distributed as follows :-

- 1,985 copies distributed free of charge to the Administrations
- 30 copies for exchange purposes
- 645 paying subscribers
- 240 copies in reserve.

2. Observations

Cancellation of a simultaneous renunciation - inadmissible

The Bureau having received a request for an annulment of a previous renunciation of protection of an international trade mark for a certain country - (the renunciation was notified at the time of registrations which took place more than a year before) - replied that such procedure was unacceptable.

Since the renunciation was notified at the time of registration of the trade mark and since the Administration of the country concerned automatically examines trade marks notified to it by the International Bureau, the said Administration did not proceed - at the time - to examine the mark for which protection had been renounced. To cancel therefore such renunciation would have been equivalent to asking for protection for the said mark without it being examined since according to article 5 of the Madrid Arrangement, such examination must take place within a period of one year as from the date of the international registration of the mark.

Consequently it is unacceptable to cancel retrospectively a renunciation made simultaneously with registration. To accept such procedure would be contrary to the provisions of the Arrangement; moreover it might possibly infringe a third party's rights who could well have deposited similar trade marks in the interval.

Classification of Goods

As from January 1st 1955, and in response to the request of several Administrations and interested circles, the International Bureau has included in the publication of international trade marks, the classification numbers, according to the international classification of goods in 34 classes, as published in 1935. This extra classification has no legal effects and in no way binds the International Bureau.

The Bureau has also decided to comply with the recommendations of the Committee of Experts established by the Commission for Classification. At its meeting in November 1954, this Committee declared that, among other things, the International Bureau "was also given the task of preparing :

- a) an index in French, listing the goods contained in the present Répertoire, alphabetically and by classes;
- b) a general index in German, English, Spanish and Portuguese listing all goods alphabetically.

At the end of 1955, the preparatory work, prior to publication in the above-mentioned Répertoires, was sufficiently advanced to foresee that publication should be possible before the opening of the Conference which will consider the draft Arrangement for International Classification of Goods.

PART III

Service for the International Deposit of Industrial
Designs or Models

During the year 1955, a slight drop occurred in the total number of deposits, i.e. : 1,257 (as against 1,319 for 1954) of which 618 were single deposits (as against 667) and 639 were multiple deposits (as against 652). The total number of objects deposited amounted to 29,317 as against 29.964.

Applications for prolongations totaled 261 (as against 264 in 1954), 182 of which concerned single deposits and 79 multiple deposits. The deposits which were prolonged originated from :

Belgium	28 (as against 22)
France	95 (as against 92)
Germany	20 (as against 22)
Liechtenstein	0 (as against 1)
Netherlands	3 (as against 5)
Switzerland	113 (as against 119)
Tangier	2 (as against 3)

A total of 2,623 (as against 2,701) letters were received and despatched.

We have registered 41 (as against 76 in 1954) assignments of international deposits or other transactions concerning them. A total of 55 extracts from the Register (56 in 1954) were supplied and 23 (as against 25 in 1954) attestations. The service of examination and reproduction has functioned normally throughout the year.

The following tables indicate the number, nature and origin of the deposits registered since the Service was first established; figures concerning the number of objects contained in the deposits are also given.

Information is also supplied on the total number and the origin of deposits which have been prolonged.

(Tables)

INTERNATIONAL BUREAU
for the
PROTECTION OF INDUSTRIAL PROPERTY

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ANNUAL REPORT

73rd Year

1956

NOTE : This translation is produced for the convenience of English-speaking Member States. It has not been thought necessary to reproduce the various accounts, lists and tables which appear in the original Report in French.

PART I

I: Organisation

Only one appointment took place in 1956; M. A. Jaccard, of St. Croix (Switzerland) was appointed Chancery Assistant, specially attached to the accounts department.

II. The Work of the Bureau

1. Industrial Property Rights and the War

The special measures taken at the end of the war [see Prop. Ind. (supplement to the December issue): 1943, p. 191 et seq. 1947, p. 184 et seq.; 1945, p. 142 et seq.; 1946, p. 202 et seq.; 1947, p. 227 et seq.; 1948, p. 235 et seq.; 1949, p. 190 et seq.; 1951, p. 14; 1952, p. 11; 1953, p. 8; 1954, p. 13] have now lapsed except those in connection with Bilateral Agreements established with a view to mitigating the effects of the Second World War on Industrial Property Rights. We have referred to the agreements between the German Federal Republic and Jugoslavia (1951)¹⁾ and Austria (1951).

2. "La Propriété Industrielle"

The circulation figure has remained at 1'650 copies per monthly issue, distributed as follows: 310 to Administrations belonging to the Union (official copies); 161 copies for exchange or information purposes; 820 copies to paying subscribers; 359 as reserve stock.

Apart from the ordinary edition, we publish a special edition on single detached pages and printed on one side only. The circulation figure for this special edition is now 55 copies per monthly issue, distributed as follows: 1 copy to one Administration (free issue); 48 copies to paying subscribers; 6 as reserve stock.

1) The figures in brackets refer to pages in the "Propriété Industrielle", 1956.

The 1956 volume of our review "La Propriété Industrielle" has 256 pages, one issue of which has 16 pages, 8 issues of 20 pages, 2 issues of 24 pages and one issue of 32 pages.

Under the heading multilateral conventions, we have mentioned that the European Convention on the International Classification of Patents was ratified last year by Holland (23) and Turkey (241), Holland (117), Denmark (170) and Turkey (241) have ratified the European Convention relating to the Formalities required for Patent applications. We have also drawn the attention of our readers to the fact that Morocco (3) has become a member of the International Patent Institute of The Hague.

Legislative texts from 23 countries have been published, 19 of which are Unionist States and 4 non-Unionist.

Regarding industrial property in general, we have published a German Democratic Republic's notice on the procedure applicable in cases of priority claims based on the law of 26th September 1955 (170); a Cuban Decree modifying the Industrial Property Decree-Law of 4th April 1936 (93), an Egyptian Law amending certain provisions of the Law No 132 of 1949 on patents for inventions and industrial designs and models (171). Spain has communicated to us the text of its Ordinance instituting within the Industrial Property Office, a Technical Administrative Cabinet and a Section of Appeals (155), Finland its Ordinance on the fees payable for patents and trade marks (197) and Ireland its Ordinance amending the Ordinance on Industrial Property (172). The new law of Iceland relating to the different fees payable to the State in respect of patents and trade marks has been published on page 172, and the Royal Swedish Decree No 268 amending the provisions relating to the protection of certain foreign patents, industrial designs or models and trade marks on page 219. Czechoslovakia has sent us the text of its new Ordinance modifying the powers and the procedure with regard to the protection of inventions, trade marks and industrial models (156) and the Decree by the Minister of Finance fixing Administrative

fees (173). We have published from the USSR the fees applied by the Patent Section of the Chamber of Commerce Allunion and valid for foreign registration (108) and a list of Official fees for patents and trade marks (128). Venezuela has enacted a new law on Industrial Property (220, 243).

Among the various provisions concerning patents, we have published a Danish law on Employees' Inventions (196), the United States of America Public Law No 775 - amending section 161 title 35, United States Code, relating to the patenting of plants (172) and from France a Decree concerning abbreviated descriptions of patents for inventions (117). The new Law of Monaco amending the law on patents has been published on page 24 and the Norwegian Decree amending the regulations with regard to patent applications on page 199. New Zealand has enacted a new Patent Law which we have published on pages 44, 72, 94, 118 and 134. The Swiss Regulations for sections I and II of the Law on Patents for Inventions is published on page 5 (and on page 239 of the December number 1955) and the Tunisian Decree modifying the Decree of 26th December 1888 on Patents for Inventions on page 201.

With regard to industrial designs and models, we have published the Monaco Law of 20th June 1955 (42) and from Switzerland a Law repealing Article 36 of the Law on industrial designs and models and a Decree amending the Regulations of the Law on industrial designs and models.

With regard to trade marks, Cuba has enacted a Decree on the forfeiture of foreign trade marks (242), Egypt a Ministerial Decree amending Regulations No 239 of 1939 on trade marks and industrial and commercial provisions (252), Greece a Royal Decree amending the Royal Decree of 20th December, 1939, for the enforcement of the trade mark law (133). The Principality of Monaco enacted a trade mark law (3), Norway also passed a trade mark Law (199) and a Law amending the Law on Collective Trade Marks (199). A Royal Swedish circular regulated the use of registered trade marks in certain

publications (220) and Turkey added a Law (27th May 1955) to its Trade Mark Law of 1888 (29).

Egypt modified its law on the Commercial Register (171).

In Spain there has been an Ordinance instituting a general inspection of appellations of origin (154). Spain also communicated to us two Ordinances, one concerning the name "paradores" and the other the name "Utiel-Recquena".

We have been informed of 6 notices in connection with the temporary protection of industrial property rights at exhibitions. All originated from Italy (23,42,72,134,172, 219), and covered a total of 30 exhibitions.

General studies published in the 1956 issues cover the French Law dated 14th July 1909 on industrial models (54), the international coordination of industrial property rights (80), the territorial limitation of the Sherman Anti-Trust Act of the United States (109), the protection and patenting of plants (176) and the protection of appellations and indications of origin (225, 250).

Under the heading "Miscellaneous news", we have published, inter alia, various suggestions concerning the AIPPI Congress (92), a communication on Burmese Law connected with trade marks (132), and a communication from Libya on the same subject (152). We have published a brief outline on the laws on trade marks in Uruguay (167) and Afghanistan (212). Under the same heading we have also informed our readers of the publication of the Industrial Property Quarterly, edited by the Bureau (152). This Quarterly is partly an extract of "La Propriété Industrielle". The present number of paying subscribers is sufficient to cover the costs of publication without calling on the funds of the International Bureau.

Our review of jurisprudence has, as usual, been communicated to us by our correspondents in the German Federal Republic (183, 203), Egypt (56), France (139), Great Britain (161), Hungary (16), and Israel (31). We have also published several decisions from the

following countries : German Federal Republic (10,128,137), Austria (173), Cuba (108,109), Egypt (12), United States (50), France (158), Italy (12), Holland (128) and Switzerland (28.158, 202,203).

General statistics on industrial property for the year 1955 have been published on pages 254 to 256 of our monthly review.

3. Correspondence

The International Bureau has sent and received 57,515 letters in 1956 as against 58,424 in 1955. A total of 3,358 letters concerned Industrial Property (in 1955: 2,350), 45,654 concerned more particularly the international registration of trade marks (1955: 48,185) and 2,706 letters concerned the international deposit of industrial designs and models (1955: 2,623). Moreover, 4,154 letters concerning both the Industrial and the Literary Unions should be added as against 3,895 in 1955; 1,643 concerned the Literary Union only (1955: 1,371). The general total is 57,515 as against 58,424 in 1955, thus registering a decrease of 1, 5 % from 1955 to 1956, and an increase of 733 % compared with the year 1913 (7,012 letters).*)

4. Congresses and Meetings

The International Bureau sent a delegate to the British Commonwealth Conference on patents and trade marks (89,111) which took place at Canberra in November 1955.

*) We have chosen 1913 as a basis of comparison, because that year marked the end of a long period of peace and prosperity, preceding the year 1914, which was the first year of an era of conflicts, monetary devaluations and limitations to free trade which continue to afflict the world after a short period of calm between the two World Wars.

The International League against Unfair Competition (37) held its Congress in Monaco from the 19th to 21st May, 1955. The Italian Group of the League organised a study group in Milan from the 9th to 10th November, 1955. The general report has been published in our review..

Two Conferences (59) held in Brussels from the 8th to 9th March and on May 6th, 1956 examined the possibility of creating an International Union of inventors. The Conferences passed a resolution on the patent of importation.

The USA Trade Mark Association held its annual Assembly in New York on 4th June, 1956. On this occasion the Director of the International Bureau was invited to make a report of which a summary was published on page 129 et seq.

The International Association for the Protection of Industrial Property held its XXVII Congress in Washington from May 29th to 2nd June, 1956. The opening address was made by the Director of the International Bureau.

The Committee for the Protection of Industrial Property of the International Chamber of Commerce (233) held its meeting in Paris from the 11th to 12th October, 1956 and the first meeting of organisations concerned with the unification of law took place in Barcelona from the 17th to 20th September, 1956.

III. Periodical Conferences

Accessions - International Conferences

During 1956, the German Democratic Republic (21) addressed a Memorandum to the Swiss Federal Council with regard to the application of the Union Convention of Paris for the Protection of Industrial Property, the Arrangement of Madrid for the Prevention of False Indications of Origin on Goods, the Arrangement of Madrid concerning the International Registration of Trade Marks, and the

Arrangement of The Hague concerning the International Deposit of Industrial Designs or Models. The Governments of a number of States to which the above mentioned diplomatic instruments apply formulated reserves to the effect that they did not recognise the German Democratic Republic and in such circumstances, were not in a position to take note of the Memorandum addressed to the Swiss Federal Political Department. This particular subject was reported on in the article "Germany" published on page 3 of the January number of the "Propriété Industrielle" and on page 2 of the January issue of the "Industrial Property Quarterly".

We received a letter from the Iranian Embassy in Berne (134) declaring that Iran intended to adhere to the Union. However, no official notification as required by Article 16 of the Union Convention of Paris has reached this Office yet. Consequently, Iran is not yet a member State of the Union of Paris or the Restricted Unions.

On the other hand, the Principality of Monaco (61) and Viet Nam (213) have adhered to the Union Convention and to the Restricted Arrangements. It must be pointed out that the declaration of adhesion by Viet Nam also constitutes a declaration of continuity, as this adhesion takes ^{the} place, now that Viet Nam has become independent, of the adhesion of France in 1939.

Viet Nam will therefore continue to consider itself a member of the Union Convention of Paris and of the Restricted Unions without interruption as from the commencement.

In 1956, Spain (22) adhered to the London text of the Union Convention of Paris and to the Restricted Arrangements. A communication from Turkey (93) stated that international trade marks registered up to the 10th September 1956, the date on which the denunciation of the Madrid Arrangement for trade marks came into force, - and which had not been refused in Turkey under Article 5 of the said Arrangement, will continue to be protected in Turkey until the end of the current period of protection.

The Zone of Tangiers and the Spanish Protectorate of Morocco are no longer included in the list of member States of the Union, as these territories now form part of the Cherifian Empire.

The territory of the Saar now forms part of the German Federal Republic as from the 1st January 1957. However, in accordance with the provisions of Article 3 and 29 of the Franco-German Treaty of the 27th October, 1956, the French National Office for Industrial Property will remain competent in the field of industrial property for a transition period which will expire at the latest on the 31st December, 1959.

At the end of 1956, the situation was as follows :

Union Convention: out of 45 States, 4 are bound by the Washington text, 8 by The Hague text and 33 by the London text;

Arrangement of Madrid: (Indications of origin): out of 28 States, 2 apply the Washington text, 6 The Hague and 20 the London text;

Arrangement of Madrid: (Trade Marks): out of 20 States, only one remains bound by the Washington text, 3 by The Hague text and 16 by the London text;

Arrangement of The Hague: (Industrial designs and models): All 13 contracting States are bound by the London text.

2.- The preparatory work for the revision of the Union Convention of Paris is the most important problem with which the International Bureau for the Protection of Industrial Property now has in hand. In view of this revision which will take place in November 1957, the Bureau has prepared preliminary documents containing the proposals for amending certain articles of the Convention and the Arrangements. The International Bureau also proposes that the text of the Union Convention be re-arranged. With this aim in view, the Bureau has prepared a draft which will also be submitted to the Lisbon Conference.

The Coordinating Committee entrusted with the task of preparing the revision of the Madrid Arrangement for the International Registration of Trade Marks (61) met at Monte Carlo from the 29th

November to 3rd December, 1955 under the Chairmanship of M. Guillaume Finnis, Inspector General of Industry and Commerce, Director of the National Institute for Industrial Property in Paris. The Committee of Experts charged with the examination of the possible creation of an International Centre for searches of anticipation in respect of trade marks met in Berne from the 15th to 18th October, 1956.

With particular reference to the Madrid Arrangement for the International Registration of Trade Marks, a Conference will take place in Nice in June 1957 on the invitation of the French Government. The preliminary documents containing proposals and explanatory notes have been established jointly by the French Government and the International Bureau and have been communicated to the Governments.

The Nice Conference will also study the possibility of creating an Arrangement for the International Classification of Goods to which Trade Marks are applied.

The Committee of Experts charged with the examination of a draft Arrangement for the Protection and International Registration of Appellations of origin met in Berne from the 3rd to 6th December 1956 (237).

The possibility of creating at the International Bureau an International Documentation Centre for patents under priority was examined by a Committee of Experts which met in Berne from the 10th to 13th December, 1956 (see *Propriété Industrielle*, 1957, page 4 and the *Industrial Property Quarterly*, April 1957, page 42).

IV. Territorial Extent of the Union on 31st December 1956

The General Union, established by the Union Convention of Paris, numbers 45 contracting States; the restricted Arrangement of Madrid for the Prevention of False Indications of Origin on Goods, 28 States; the restricted Arrangement for the International Registration of Trade Marks, 20 States and the restricted Arrangement of The Hague for the International Deposit of Industrial Designs or Models, 13 States.

PART II

Service for the International Registration
of Trade Marks

In a Note dated the 16th January, 1956, the Swiss Federal Political Department informed the Unionist States of the contents of a Memorandum from the German Democratic Republic declaring that in view of the coming into force of a Trade Mark Law, preceded by the establishment of a Patent Office, the conditions had thus been established for applying the Madrid Arrangement for the International Registration of Trade Marks to the German Democratic Republic.

A number of Unionist States of the Madrid Arrangement (Austria, Belgium, Egypt, Spain, France, Liechtenstein, Italy, Luxembourg, Holland, Portugal, German Federal Republic, Switzerland and Turkey) replied that they were unable to take note or give effect to the Memorandum as they did not recognise the German Democratic Republic.

However, does the political non-recognition necessarily entail the non-recognition of individual interests founded on international trade marks originating from the part of Germany concerned ? This is the question which the Service for the International Registration of Trade Marks thought fit to ask the Administrations in a circular letter dated 13th December, 1956, not only for its own guidance but also to be in a position to answer correspondents on the true effect of the above mentioned Memorandum.

The Principality of Monaco adhered to the Arrangement as from the 29th April, 1956 and Viet Nam also notified its membership to the restricted Union while stipulating that its adhesion as an independent State takes the place of the adhesion of France which took effect on the 25th June, 1939.

Spain adhered to the London text of the Arrangement with effect from the 2nd March, 1956.

Consequently, the following States are bound by the London text: Germany, Austria, Belgium, Egypt, Spain, France, Italy, Liechtenstein, (Principality of), Luxembourg, Morocco^{*)}, Monaco (Principality of), Holland, Portugal, Switzerland, Tangiers^{*)}, (Zone of), Viet Nam and Tunisia.

The text of The Hague is - and in the case of Turkey - was still applicable to the four following States: Hungary, Czechoslovakia, Turkey and Jugoslavia.

It must be noted that the denunciation of the Arrangement by Turkey took effect as from the 10th September, 1956 and in a note dated the 24th April, 1956, the Turkish Embassy in Berne stated that all international marks registered up to the 10th September, 1956 and which had not been refused or cancelled would continue to be protected until the end of the period of their international registration with the International Bureau.

Roumania is still bound by the Washington text.

Statistics of the International
Trade Marks since the commence-
ment (1893-1956)

Table I (International trade marks registered)
Table II (Refusals)

Table I shows that the Service for the international registration of trade marks has registered 7'909 marks during the year 1956.

Out of the 745 marks registered in 1945 for which the international fee had been paid for ten years only at the time of deposit, the further fee covering protection for another 10 years was paid on 374 trade marks, i.e. in respect of 50% of the trade marks registered.

*) The modifications which affect Morocco and which have also caused the Zone of Tangiers to be taken off the list as a separate member of the Arrangement will be reported in the 1957 annual report.

There were 1'448 (18 %) requests for registration of trade marks which had already been previously registered internationally.

Out of a total of 7'909 marks, 284 (3,59%) included a colour specification or an assortment of colours as a distinctive element.

During 1956, notices of refusal of protection for 13'519 trade marks were transmitted to the owners or to the assignees. It will be noted that for one and the same trade mark, there may be several such notifications emanating from the different Administrations. Table II shows the origin and the number of these notifications.

The above figures only refer to the first notification of refusal; in many cases subsequent notifications either confirm the first refusal, mitigate the extent of the first refusal or cancel the previous decision. During 1955, notifications modifying or confirming the first notice, concerned a total of 10'850 marks.

During the year 1956, the Service has dealt with 1'012 assignments and 1'424 "miscellaneous transactions", - this term includes specific limitations to lists of goods, changes in the names of firms, changes of domicile or addresses, corrections, etc. - The administrative work concerning changes in the status of valid international marks affected 2'436 marks.

567 marks were struck off the International Register (as against 593 in 1955); 221 cancellations were made on the basis of notifications of renunciation of international protection and 27 were cancelled on the grounds of a notification emanating from the Administration of the country of origin in which country the mark was no longer protected; 311 marks were cancelled because the extra fee for the second 10 years period of protection was unpaid; 4 marks were cancelled following judicial decisions and 4 marks were cancelled after assignment to an owner in a non-Unionist State (see Article 9 bis, paragraph 3 of the Madrid Arrangement).

The Service has also taken note of 83 cancellations of national marks on which were based an equal number of international registrations. The cancellation of the national marks has not brought about the automatic cancellation of the corresponding international marks (see a note on this subject published in the 1952 Annual Report, page 16).

Renunciations, total or partial, of international protection affecting one or more contracting States (but not all), including invalidations the effect of which is limited to one single country, total 1'232 (as against 1'185 in 1955). Renunciations notified at the time of registration of the mark total 516 (as against 567 in 1955). As was the case in previous years, the majority of such renunciations originate from owners desirous of avoiding a refusal of protection for their mark in Spain, by limiting the list of goods for that country to those contained in one single class according to the Spanish classification. 33 cancellations have been made as a result of administrative decisions and one as a result of a judicial decision.

2'021 searches of anticipation were made in 1956 (as against 1'845 in 1955), 1'958 of which concerned verbal marks and 45 figurative marks. There were 18 requests for the name of a specific trade mark owner.

The Service despatched 1'474 extracts concerning a total of 2'581 single or collective marks (corresponding figures for 1955 were 1'446 and 2'085).

A total of 45'654 letters were received and despatched by the Service in 1956 (as against 47'292 in 1955).

Monthly Bulletin: "International Trade Marks"

2'900 copies are printed monthly and are distributed as follows :

1'993 copies distributed free of charge to the Administrations
31 copies for exchange purposes
647 paying subscribers
229 copies in reserve.

2. Observations

Application for international registration
based on more than one national registration

1. The International Bureau has been obliged to refuse to register a mark for which the Administration applying for such registration indicated, as a national basis, several national deposits.

In effect, the trade mark in question was not composed by one single sign, but was, in the opinion of the Bureau, composed by a complex grouping together a sign, a depositor and a description of goods.

Such elements are not dissociable and the international mark does not appear to be composed of several deposits applying to a series of different products.

Renunciation of colour claims

2. The question again arose as to whether an international trade mark for which colour has been claimed as a distinctive element, at the time of deposit, can be the subject of a renunciation so far as that claim is concerned.

It has been generally accepted that a depositor who takes advantage of the opportunity offered to him by Article 3, para. 2, and claims colour as a distinctive element for his mark, intends to limit the use of his mark to the colour claimed in his application for registration.

It may be thought to follow that any subsequent renunciation of a colour claim made at the time of the deposit should be considered as an extension of use, which is not acceptable in the spirit of the Madrid Arrangement.

On the other hand, once the colour has become a distinctive element of the mark, its suppression is equivalent to a change which would entail a further examination of the mark in certain countries.

For this reason, it appears advisable that the owner of such a trade mark should make a further deposit, in black only, but with a reference to the previous international registration claiming a colour distinction.

Protection claimed for method of use

3. One of the applications for international registration received by the Bureau specified in the list of products for which the mark was intended, that the mark "could serve as a sign".

The attention of the firm applying for such registration was drawn to the fact that the method of use of a mark could not be assimilated to goods and that consequently such a procedure was not within the limits of the protection conferred by the Madrid Arrangement; the firm agreed to suppress this indication.

PART III

Service for the International Deposit
of Industrial Designs or Models

The declaration in respect of the new application of the provisions governing the protection of industrial property on the territory of the German Democratic Republic also applies to the international deposit of industrial designs or models (See Circular letter from the Swiss Federal Political Department dated 16th January, 1956).

The Principality of Monaco adhered to The Hague Arrangement for the International Deposit of Industrial Designs or Models with effect from the 29th April, 1956. Viet Nam also notified its adherence to the Restricted Union while stipulating that its adhesion as an independent State takes the place of the adhesion of France which took effect on the 25th June, 1939.

During the year 1956, 1'294 deposits were made (as against 1'257 in 1955), of which 632 were single deposits (as against 618 in 1955) and 662 were multiple deposits (as against 639 in 1955). The total number of deposits amounted to 26'284 objects as against 29'317 in 1955.

Applications for prolongations totalled 277 (as against 261 in 1955), 161 of which concerned single deposits (182 in 1955) and 116 multiple deposits (79 in 1955). The deposits which were prolonged originated from :

Belgium	12	(as against	28)
France	98	(" " "	95)
Germany (Fed. Rep.)	24	(" " "	20)
Liechtenstein	1	(" " "	0)
Netherlands	3	(" " "	3)
Switzerland	136	(" " "	113)

Tangiers	2	(as against 2)
Morocco	1	(" " 0)
Spain	2	(" " 0)

A total of 2'706 (as against 2'623 in 1955) letters were received and despatched.

We have registered 52 (as against 41 in 1955) assignments of international deposits or other transactions concerning them. A total of 71 (as against 55 in 1955) extracts from the Register were supplied and 24 (as against 23 in 1955) attestations. The service of examination and reproduction has continued to function normally throughout the year.

The following tables indicate the number, nature and origin of the deposits registered since the Service was first established; figures concerning the total number of objects contained in the deposits are also given.

Information is also supplied on the total number and the origin of the deposits which have been prolonged.

Tables and Accounts