



1883 · PARIS CONVENTION CENTENARY · 1983

WIPO PUBLICATION  
No. 875 (E)

ISBN 92-805-0099-6

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# THE PARIS CONVENTION

## for the Protection of Industrial Property

### from 1883 to 1983

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*published by*  
the International Bureau of Intellectual Property  
Geneva, 1983

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# Preface

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**O**ne hundred years ago, eleven States adopted the Paris Convention for the Protection of Industrial Property. That was on March 20, 1883.

The same Convention, from the same date, created a permanent association among States—now having 92 States as members—called the Paris Union for the Protection of Industrial Property and established a permanent secretariat for that Union called the International Bureau.

The history of those hundred years is therefore the history not only of the protection of the rights in inventions, trademarks and other objects of industrial property on the international level but also the history of an ever-increasing cooperation among States and an ever-increasing activity by an international secretariat.

What is the ultimate reason behind the international recognition of industrial property rights?

It is believed that the reason is the sense of justice, a sense present in the hearts and minds of men. Justice is the foundation of human relations, and its preservation is the task of any government that wants to survive.

In the case of inventions, what justice requires is that those who have made them should be recognized as their creators and should be allowed to own rights in them.

Society, through laws and treaties, establishes rights and obligations in respect of inventions and thus serves this justice and gives encouragement to finding new technological solutions and to making investments required for carrying out those inventions.

Indeed, a search for new technological solutions does deserve constant encouragement because—in addition to our spiritual development—inventions are the main causes and source of the social and economic development of mankind. Food, health and communications—the fundamentals of the life of individuals and the survival of the human race—have improved, are improving and will continue to improve because of inventions.

Those fundamentals also improve where international trade is orderly. Without the use of trademarks and the respect of the rights of their owners, orderly international trade would be difficult to imagine.

Those individuals who, a hundred years ago, persuaded their governments to unite in the promotion of the recognition of rights in inventions, trademarks, and other objects of industrial property gave a great and lasting service to mankind. All mankind should think of them with admiration for their imagination, foresight and perseverance. The same holds for those individuals who have caused the nearly ten-fold increase, during the last hundred years, of the number of the countries party to the Paris Convention and for those individuals who, as officials of the International Bureau, have nurtured and served the Paris Union and its objectives, objectives that are as valid in 1983 as they were a hundred years ago.

*Arpad Bogsch  
Director General  
World Intellectual Property Organization*

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# THE FIRST HUNDRED YEARS

## of the Paris Convention for the Protection

### of Industrial Property

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by Arpad Bogsch

*Director General of the World Intellectual Property Organization*

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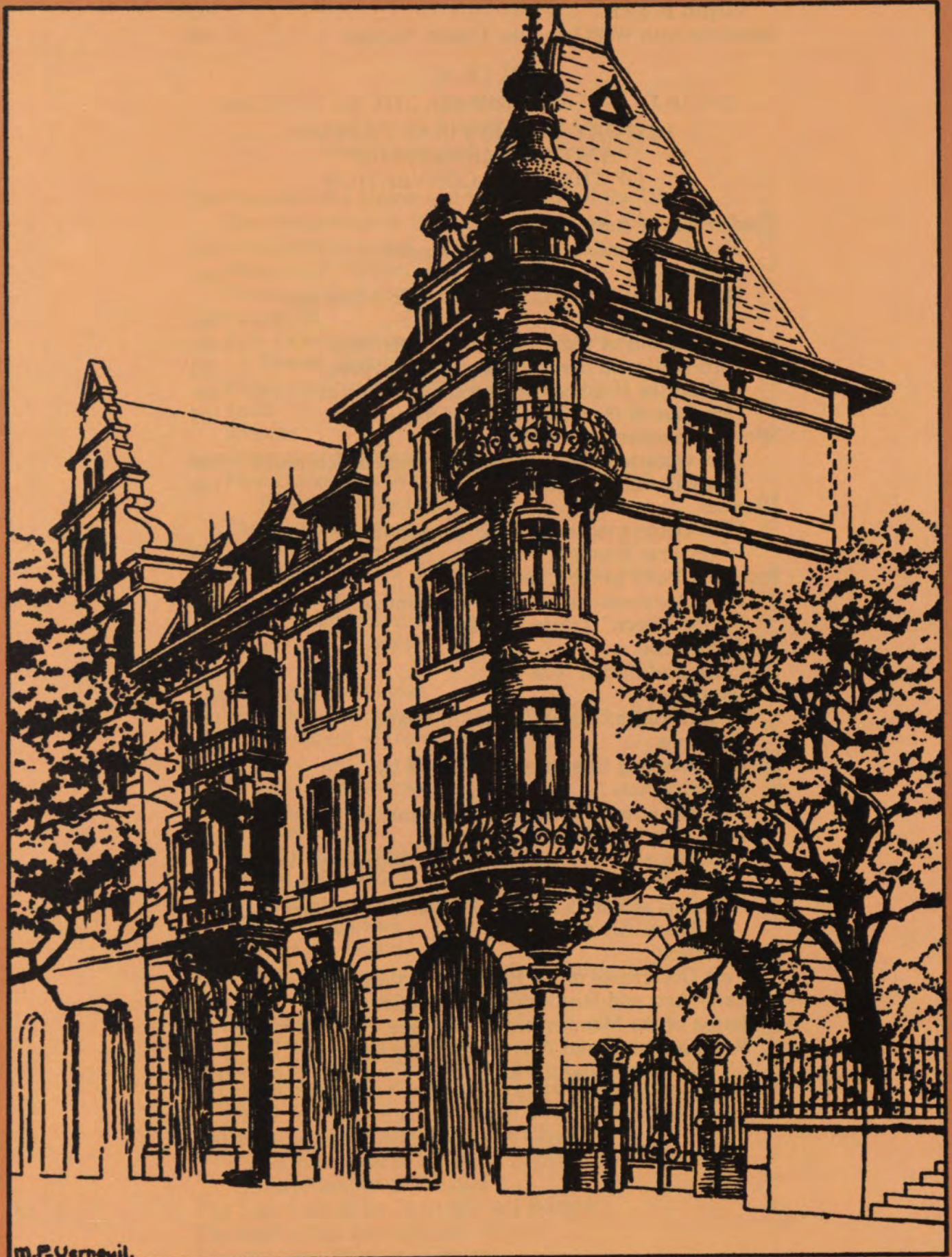


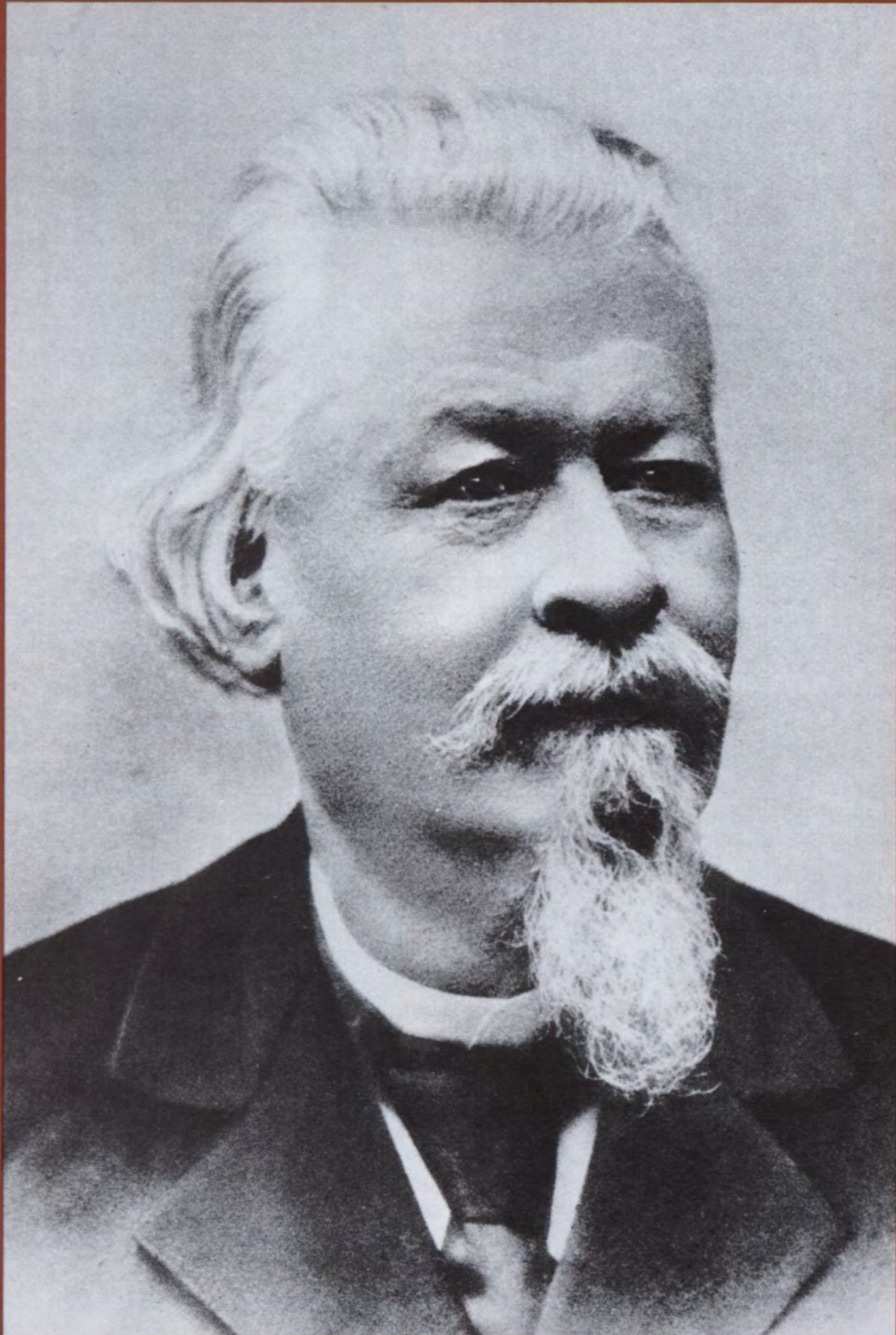
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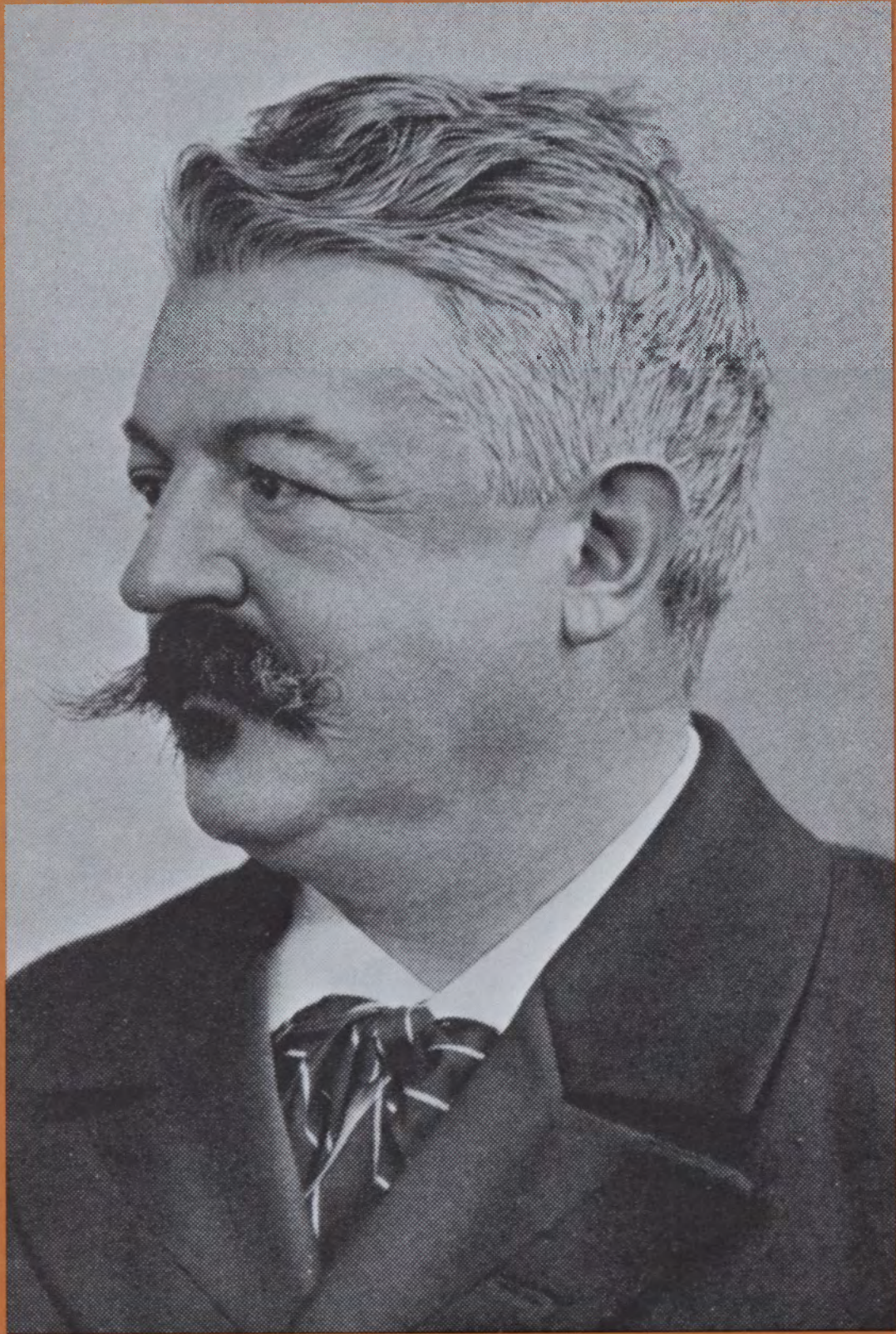
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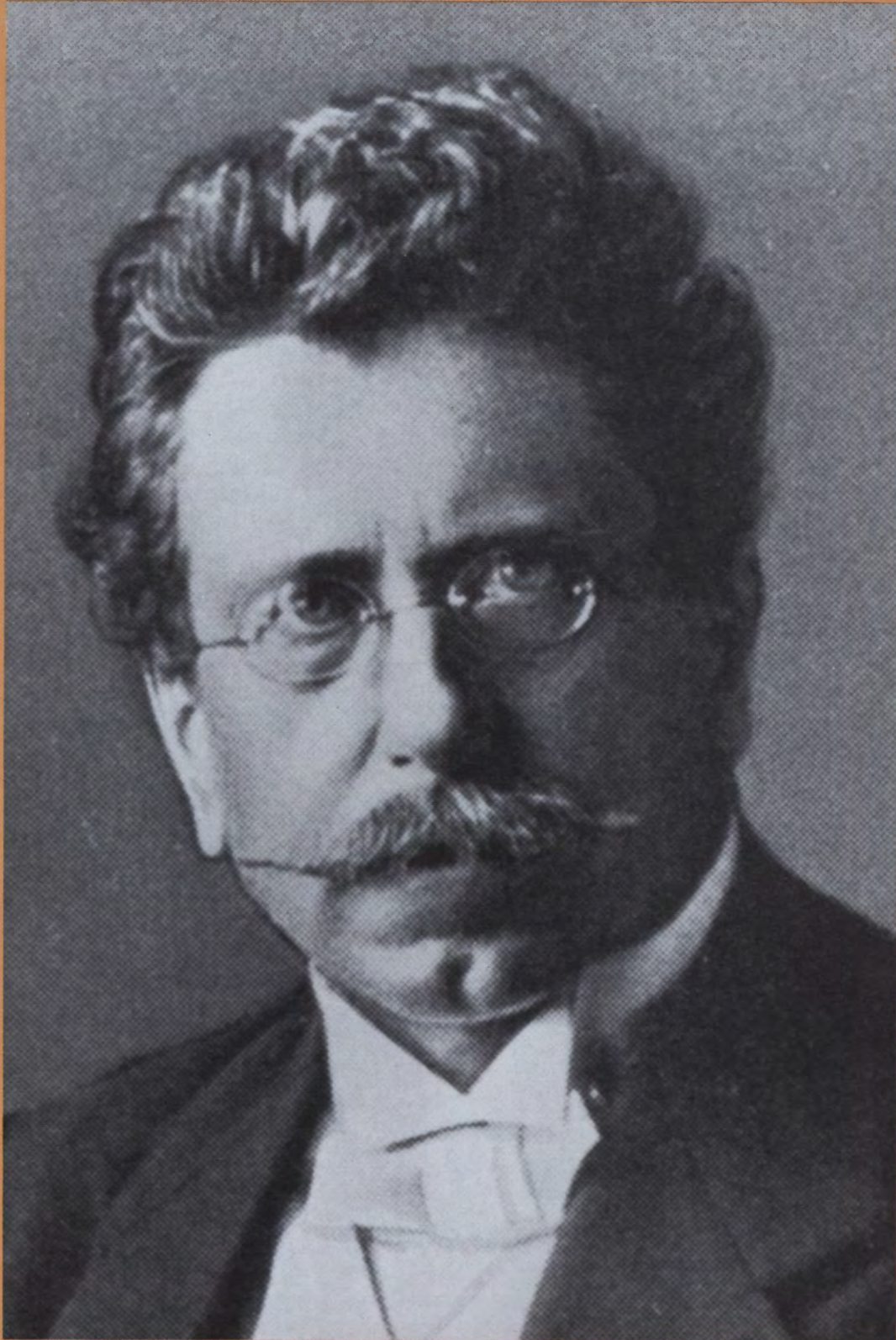




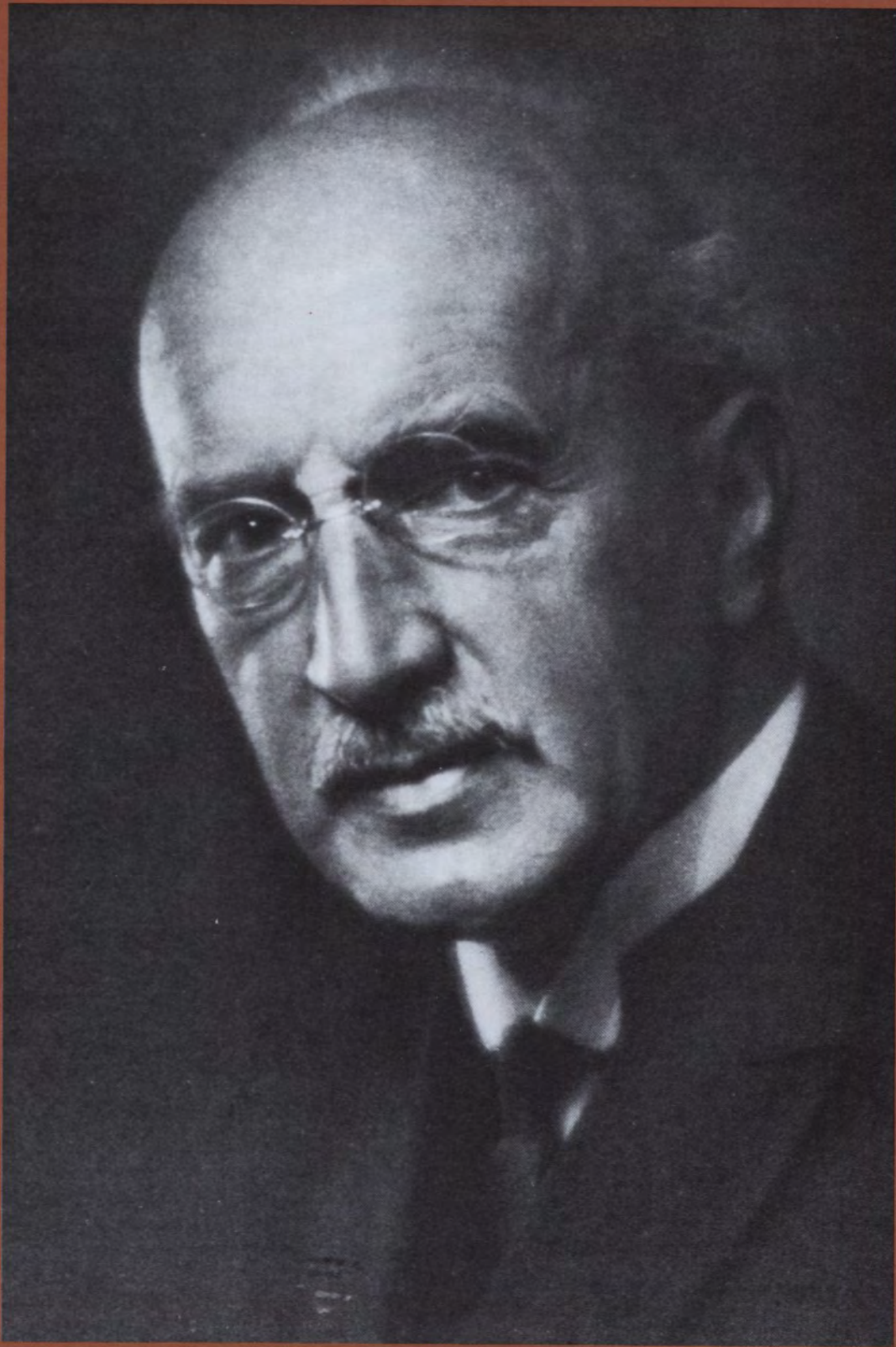
*Henri Morel, 1893-1912*  
*"Clarity of mind"*



*Robert Comtesse, 1912-1921*  
*"A kind man of exquisite taste"*



*Ernest Röthlisberger, 1922-1926*  
*"A fierce internationalist"*



*Fritz Ostertag, 1926-1938*  
*"Events never caught him by surprise"*



*Bénédict Mentha, 1938-1953*  
*"Modesty itself"*

“(v) take all the necessary measures to ensure the execution of the program of the Union by the Director General, in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly.” So far, no such measures have appeared necessary and no such measures have been taken by the Executive Committee.

“(vi) perform such other functions as are allocated to it under this Convention.” There are two such functions expressly mentioned in the Convention: cooperation in the preparation of conferences of revision of the substantive provisions of the Convention, and the right to initiate amendments to the administrative clauses of the Convention (see Articles 15(7)(a) and 17(l)).

### The International Bureau

*First Occurrence in the Paris Convention and the Evolution of the Bureau.* In the history of the Paris Union, one has to distinguish between three “International Bureaus” (a designation in vogue in the last century for the permanent secretariats of intergovernmental organizations): the International Bureau of the Paris Union, the United International Bureaus and the International Bureau of WIPO.

The first is the International Bureau of the Union for the Protection of Industrial Property (*Bureau international de l'Union pour la Protection de la propriété industrielle*), mentioned in the original (1883) text of the Paris Convention. As already stated, that text says that “an international office (*office*) shall be organized” under the said title and that it “shall be placed under the high authority of the highest Government authorities (*Administration supérieure*) of the Swiss Confederation” (Article 13). As equally already stated, the same text also provided that the International Bureau “shall function under the supervision [*surveillance*]” of the said highest Government authority of the Swiss Confederation.

The Swiss Federal Council first entrusted the work to be carried out in the name of the International Bureau of the Paris Union to the Federal Department (Ministry) for

Commerce and Agriculture (*Département fédéral du commerce et de l'agriculture*) whose head, at that time, was Numa Droz, federal councillor (minister). This provisional arrangement lasted for approximately two years (1883 and 1884) and ended when the first employee of the International Bureau, Bernard Frey-Godet—with the title of Special Secretary (*secrétaire spécial*)—was appointed early in 1885. In 1887, the Berne Convention for the Protection of Literary and Artistic Works (signed in 1886)—hereinafter referred to as “the Berne Convention”—entered into force. That Convention also provided for the constitution of a Union (the International Union for the Protection of Literary and Artistic Works, commonly called “the Berne Union”) and, also under the supervision of the Swiss Federal Government, of an International Bureau for the Berne Union, namely, the International Bureau of the Union for the Protection of Literary and Artistic Works (*Bureau international pour la Protection des Œuvres littéraires et artistiques*). The Swiss Federal Council then appointed Henri Morel, a member of the *Conseil national suisse*, as Secretary General (*secrétaire général*) of the *United Bureaus (Bureaux réunis)*. Thus, *de facto*, the International Bureau created by the Paris Convention became united with the International Bureau created by the Berne Union.

Thereby, the second kind of International Bureau, the United Bureaus—in the plural—came into existence. Its existence was formalized when the Swiss Federal Council adopted, on November 11, 1892, a decree (*arrêté*) in which the organization of the United Bureaus was fixed. The high supervision was to be exercised by the Swiss Federal Council, whereas for the less important matters the supervision was entrusted to the Federal Department (Ministry) of External Affairs (*Département fédéral des affaires étrangères*). At the same time, Henri Morel was appointed Director—the first one to have that title—of the United Bureaus.

This kind of Bureau, the United Bureaus, was not mentioned in any of the texts or Acts of the Paris Convention, which continued to speak about the International Bureau—in the singular—of the Paris Union. There is, however, an oblique reference to the United







Bureaus in the 1967 (Stockholm) Act, where that Act says, in Article 15(1)(a), that the International Bureau of *WIPO* is a continuation of the International Bureau of the Paris Union “*united* with the Bureau” of the Berne Union (emphasis added).

This, the third kind of, International Bureau, the International Bureau of *WIPO*, started functioning in 1970 when the Convention Establishing the World Intellectual Property Organization and the 1967 (Stockholm) Act of the Paris Convention entered into force. However, the first and second kinds of International Bureaus did not, at the same time, altogether stop existing. They continue, at least in theory, for the purposes of the countries members of the Paris Union that have not yet become members of *WIPO*. This idea is expressly stated in the transitional clauses of the said Act in the following terms: “As long as all the countries of the [Paris] Union have not become members of the Organization [*WIPO*], the International Bureau of the Organization [*WIPO*] shall also function as the Bureau of the [Paris] Union, and the Director General [of *WIPO*] as the Director of the said Bureau [of the Paris Union]” (Article 30(3)). In practice, however, the situation is that the Swiss Government no longer exercises, since 1970, its supervisory functions and the Director General of *WIPO* no longer uses his title of Director of the International Bureau of the Paris Union, although, as already stated, there are still some countries (twelve on March 20, 1983, the date of the centenary of the Paris Convention) that are members of the Paris Union since a date preceding the creation of *WIPO* without having yet become members of *WIPO*. However, the fact that no practical use has been made so far of the quoted transitional provision does not mean that it could not be applied if any of the interested parties wanted it to be applied.

Three more observations before leaving the topic of the three kinds of Bureaus:

One is that the International Bureau of the Paris Union has frequently been referred to, in common parlance, as the “Secretariat” of the Paris Union and that the International Bureau of *WIPO* is sometimes referred to as the “Secretariat” of *WIPO*.

The second is that, up to 1960—when the United Bureaus moved from Berne to Geneva—it was quite common to refer to it (or them) as “the Berne Bureau” or “the Berne Bureaus.” This designation was merely based on the location of the Bureaus and resulted in the curious situation that not only the Bureau of the Berne Union but also the Bureau of the Paris Union was referred to as a *Berne Bureau*.

The third observation is that, in the nineteen-fifties and nineteen-sixties, the United Bureaus were frequently referred to as the “United International Bureaus for the Protection of Intellectual Property” or, in an abbreviated form, “BIRPI” (corresponding to the initials of the French designation *Bureaux internationaux réunis pour la protection de la propriété intellectuelle*). There was no legal basis for either this designation or its abbreviation. They were probably invented by Jacques Secretan, Director of the United Bureaus from 1953 to 1963. Until then, the full name of the United Bureaus in usage was “United International Bureaus for the Protection of Industrial, Literary and Artistic Property.” This was obviously too long. Replacing the separate references to industrial property on the one hand and literary and artistic property on the other hand by the single adjective “intellectual” was an ingenious innovation, although, in the beginning, it was sometimes misunderstood as some believed that “intellectual property” was co-terminous with copyright. In any case, the expression “intellectual property” found its official recognition in the title of the World *Intellectual Property Organization*, when the Convention establishing *WIPO* was concluded at Stockholm in 1967.

*Tasks.* As far as the tasks of the first kind of International Bureau are concerned, the original (1883) text of the Paris Convention mentions four, namely, that the International Bureau:

(i) “shall centralize *information* of all kinds concerning the protection of industrial property and shall compile it in the form of general statistics which shall be distributed to all the Governments (*Administrations*)” (Final Protocol of 1883, emphasis added);

(ii) “shall make general *studies* of general usefulness of interest to the Union (*ibid.*; emphasis added);



(iii) “shall *edit (rédigera)* a *periodical (feuille périodique)*, in the French language, covering questions concerning the objects (*l’objet*) of the Union” (*ibid.*; emphasis added);

(iv) “must at all times be at the disposal of the members of the Union, to furnish them, on questions concerning the international service of industrial property, *specialized information* that they may require” (*ibid.*; emphasis added).

The definitions of those four tasks were slightly changed by some of the conferences of revision. In the latest Act, that of 1967 (Stockholm); they are worded as follows:

(i) “The International Bureau shall assemble and publish *information* concerning the protection of industrial property” (Article 15(2); emphasis added);

(ii) “The International Bureau shall conduct *studies*, and shall provide *services*, designed to facilitate the protection of industrial property” (Article 15(5)); emphasis added);

(iii) “The International Bureau shall publish a monthly *periodical*” (Article 15(3); emphasis added);

(iv) “The International Bureau shall, *on request*, furnish any country of the Union with *information* on matters concerning the protection of industrial property” (Article 15(4)); emphasis added).

This enumeration of specific tasks is preceded, in the 1967 (Stockholm) Act of the Paris Convention, by a general statement to the effect that “administrative tasks concerning the [Paris] Union shall be performed by the International Bureau” and that that Bureau “shall provide the Secretariat of the various organs of the [Paris] Union” (Article 15(1)(a) and (b)). The administrative tasks include the convocation and servicing of meetings and the receiving and disbursing of funds. The main organs of the Paris Union are the Assembly and the Executive Committee.

In the following paragraphs, each of the four specific tasks mentioned above will be considered separately and some of the activities of the International Bureau under each of them will be briefly indicated.

*General Information.* The most important information assembled by the International Bureau relates to industrial property legislation and industrial property statistics.

From the very beginning, the International Bureau has been collecting the texts of treaties, statutes and other legislative or regulatory texts concerning industrial property both in their original version, and, where the original is other than French, and where a French translation exists, also the texts of such translations. Since 1955, English translations, where available, have also been collected.

The collection is constantly checked in order to make sure that it is complete, that repealed texts are treated as such and that new items are integrated promptly after their entry into force. Although the member States of the Paris Union are supposed to promptly communicate to the International Bureau all new laws and official texts concerning the protection of industrial property (see Article 15(2) of the 1967 (Stockholm) Act), the International Bureau regularly writes to the competent administrations of those States—and also to the administrations of non-member States—asking for the confirmation of information obtained from other than governmental sources or for a systematic review of the latest state of the information available in the International Bureau.

In 1983, there were over 30,000 texts, covering some 170 countries, in the collection of the International Bureau. Texts which are in force are kept separately from texts that have been repealed and which, therefore, have been put in the archives. The present collection consists exclusively of



Fire-Escape.

No. 221,855.

Patented Nov. 18, 1879.



hard copies of the original texts but it is obvious that it will soon have to be converted into a collection fit for electronic data processing.

The most important texts – and these include in any case the patent laws, the trademark laws and the industrial design laws of all countries (whether members of the Paris Union or not) – have been published, in French, since 1885, in the monthly periodical *La Propriété industrielle*, and in English, between 1956 and 1961, in the *Industrial Property Quarterly*, and, since 1962, in the monthly periodical *Industrial Property*. Where no French or English translations are available, the International Bureau prepares the translations; where such translations are available from outside sources, the International Bureau generally checks their correctness. The number of legislative texts thus published before 1983 in French is estimated to be around 3,000 and that in English around 600. Some of these texts are the consolidated versions of a basic text amended several times, the consolidation being done by the International Bureau. Since 1976, the texts have been published in a form that allows their insertion in a loose-leaf collection.

The collection of yearly statistics on patents granted and trademarks registered in each country started soon after the creation of the Paris Union and the first statistics published appeared in the January 1885 issue of *La Propriété industrielle*. The statistics became gradually more detailed and covered more and more countries. By 1964, they became too voluminous for publication in the periodicals and between 1964 and 1971 they were published as special annexes, whereas since 1972 they have been published in separate volumes. By 1983, they have become very detailed indeed: they cover practically all the countries of the world (whether members of the Paris Union or not) and cover not only patents, trademarks and industrial designs, but also

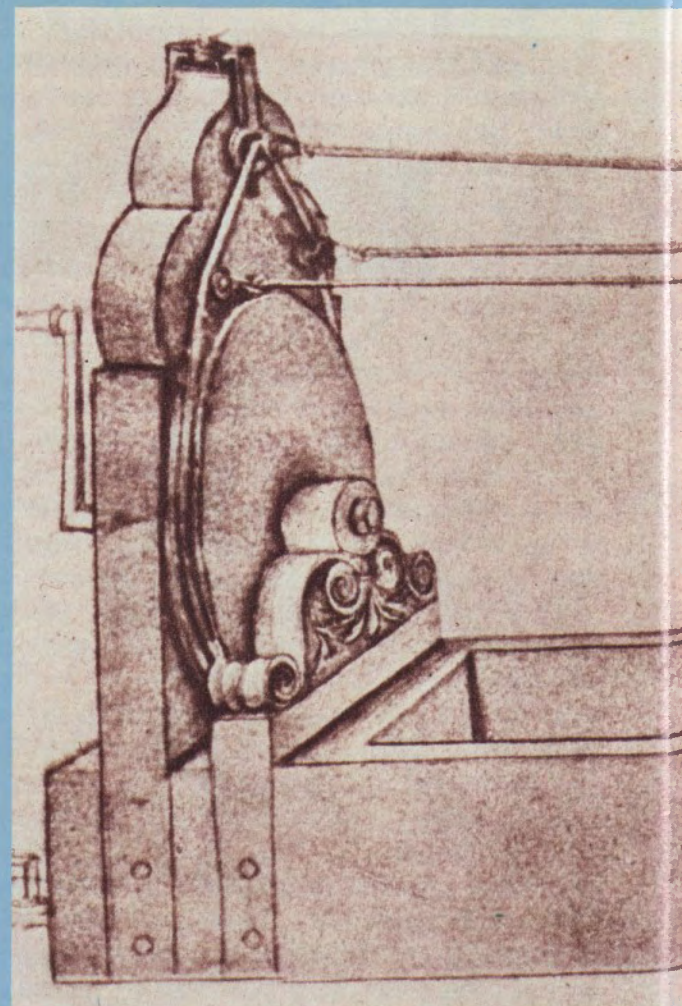
inventors' certificates, utility models and whatever other titles of protection exist in any country. Wherever possible, separate figures are given for applications and grants or registrations, and a breakdown by domestic and foreign (distinguishing between the various countries) applicants or beneficiaries is given. The data are furnished, once every year for the preceding year, by the industrial property office of each country, through replies to a questionnaire prepared and sent to it by the International Bureau. The questionnaire has been improved almost every year. Since 1971, the data have been stored in computers and, since 1975, the statistics are published in two forms: a complete edition and an abridged one. For the year 1981, the first comprised 388 printed pages, whereas the second comprised 45 printed pages.

In the framework of its information tasks, the International Bureau maintains a library—essentially on legal subjects—in which it collects books dealing with industrial property law, periodicals that exclusively or frequently carry articles on industrial property law, and separate items (e.g., an article on industrial property law extracted from a periodical not subscribed to by the library). They are all catalogued, and a monthly list of new acquisitions and selected articles is widely circulated in the world (in 1982, to 200 addresses in 85 countries). The library of the International Bureau is doubtless the oldest specialized library in the field, and its collection is probably among the most complete that there is. On March 20, 1983,

the date of the centenary of the Paris Convention, it contained some 35,000 volumes of books and 15,000 volumes of periodicals and it was the recipient of 900 titles of periodicals. This is about ten times more than what it had 23 years earlier (in 1960) when the library, as part of the International Bureau, was moved from Berne to Geneva. The library is also the center of the printed archives of the International Bureau. Approximately 65 percent of the holdings deal with industrial property law, whereas the rest deals with copyright law or general legal subjects. The library has a reading room open to the public, which was visited by 200 readers in 1960 and 2,100 readers in 1982.

As a tool for its information tasks, the International Bureau has prepared multilingual glossaries of terms used in industrial property law. In the late nineteen-seventies, it published them in the following versions: English-French-Spanish-Arabic, Portuguese-French-English, Chinese-English-French, Russian-English-French, German-English-French.

*Studies.* The International Bureau has been conducting studies in the field of the law of industrial property from the very beginning. The studies have two principal aims: one is to call attention to the desirability of changes at the national level or in international relations because of changing social, economic or technological circumstances; the other is to analyze and explain changes that have been effected in national laws and international treaties.



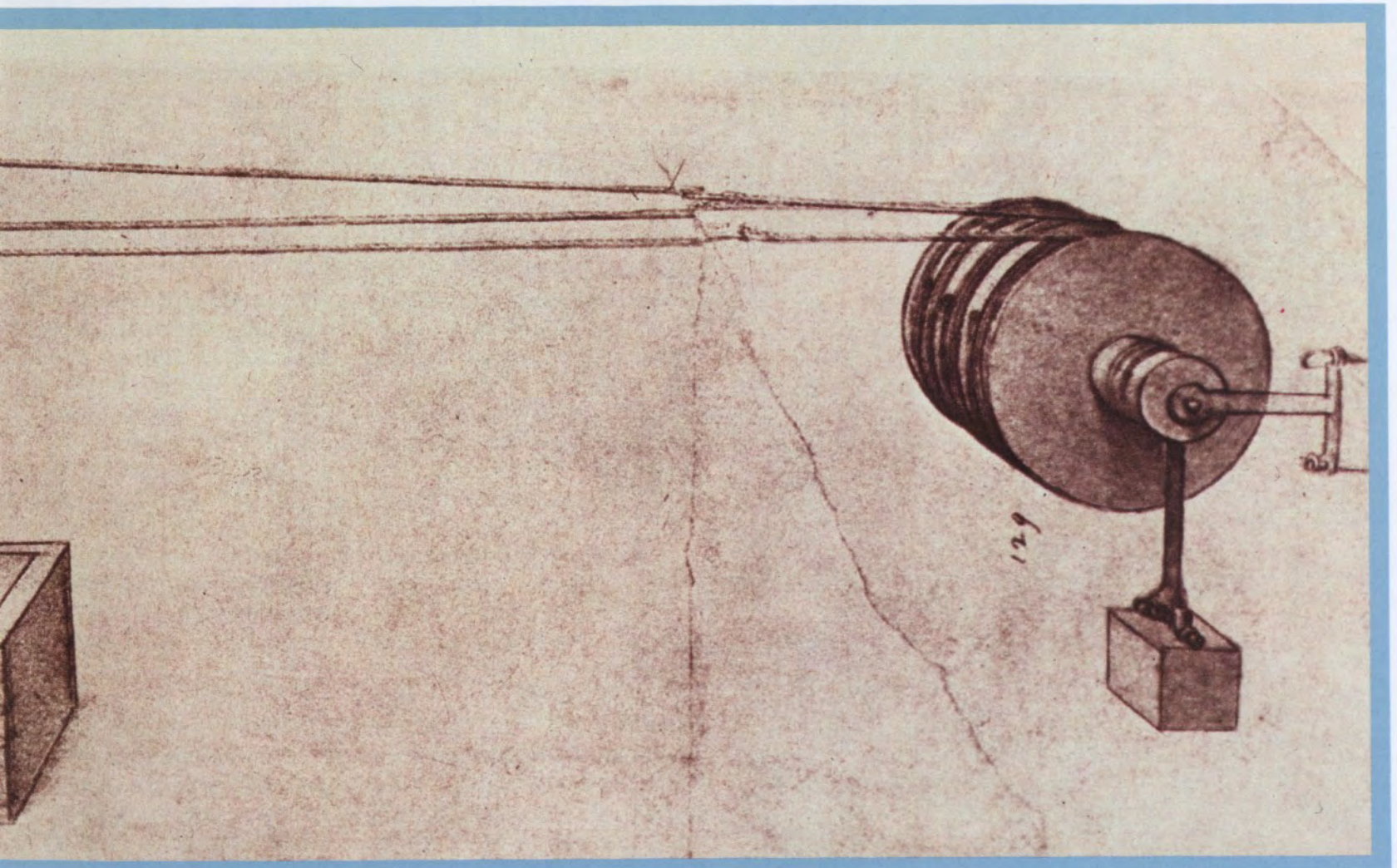
Changing social and economic conditions are making changes necessary particularly in the legislations of developing countries. The International Bureau has been studying how to meet best those needs, and among the important results of those studies are the preparation and the publication of model laws for developing countries (see below). Changing social and economic conditions prompted the International Bureau to study the impact of industrial property on the interests of consumers. Changing technological conditions made studies desirable, for example, in the field of the legal protection of microbiological inventions, computer software and integrated circuits. The studies are carried out by the staff of the International Bureau, with or without the help of meetings of specialists, governmental or non-governmental. Their results are reflected in publicly available documents, in articles in the periodicals of the International Bureau or in separate publications of that Bureau. During the past 98 years, hundreds of articles commissioned by the International Bureau and written by specialists from scores of different countries have been published in the said periodicals.

As far as the analysis and explanation of the meaning of, or changes in, national laws, including the analysis of court decisions, are concerned, they are primarily the subject of articles published in the periodicals of the International Bureau. Almost 1,000 such articles have been so published so far. They were mostly written by specialists of the

countries concerned. From time to time, the International Bureau tries to give a general picture of the state of the national legislations on patents and trademarks by preparing synoptical tables which show—in a way to make comparisons easy—the solutions given to the most important questions in the different national laws at a given moment of history.

But as far as analysis and explanations are concerned, the International Bureau itself is the author of countless papers which explain proposed or existing treaties in the field of industrial property or proposed changes in such treaties or their regulations, if any. The preparatory documents of the various conferences of revision of the Paris Convention and the “Records” (*Actes*) of such conferences are among the most important examples of such published studies. They run into several thousands of pages. The establishment of proposals for new treaties administered by the International Bureau, or proposals for their revision, as well as commentaries on the texts adopted by diplomatic conferences or other assemblies sponsored by the International Bureau, are also among the studies carried out and published by that Bureau.

*Services.* The International Bureau provides many kinds of services and in a great volume in the field of industrial property. However, with the exception of the services related to the communications of State emblems, etc. — provided for under Article 6<sup>ter</sup> of the Paris Convention — those services are not always clearly relatable to the



Paris Convention. Naturally, services in the field of copyright and services under the special agreements are not relatable to the Paris Convention. By the latter, what is meant are the services rendered under the Patent Cooperation Treaty, the Madrid Agreement Concerning the International Registration of Marks and the Hague Agreement Concerning the International Deposit of Industrial Designs.

The very important services rendered in the field of development cooperation, where dealing with industrial property, may be considered as services rendered by the International Bureau under the Paris Convention and the WIPO Convention. The cost of the activities of the International Bureau in the field of development cooperation concerning industrial property is, and has been ever since such activities started 20 years ago, that is, in 1963, financed to a considerable extent from the budget of the Paris Union. The part of the expenses of the Paris Union devoted to development cooperation has been constantly increasing and by 1983 has reached over half of the total expenses of that Union. However, the development cooperation activities of the International Bureau in the field of industrial property are not only financed from the budget of the Paris Union but also from other sources. Funds from those other sources have also generally increased in the last years and, in 1983, are approaching the amount spent on development cooperation activities from the budget of the Paris Union.

Because of the considerable intellectual and financial contribution of the Paris Union, it seems to be only fair to mention, in an article dealing with the Paris Convention, the most important development cooperation activities—started 20 years ago—in the field of industrial property.



During the last ten years, the International Bureau organized the training—in industrial property law and administration, and in patent classification and information—of approximately 5,000 individuals coming from over 100 developing countries. Each trainee either received individual instruction for a few weeks in an industrial property office that has great experience in administering industrial property laws or participated in a collective training course, also of several weeks' duration. Since 1963, the year in which the first such course was organized, and before March 20, 1983, the date of the centenary of the Paris Convention, there were more than 100 courses or similar meetings, such as seminars, in the field of industrial property sponsored or co-sponsored by the International Bureau, and they took place in the following 47 countries and three organizations: Algeria, Argentina, Australia, Austria, Barbados, Bolivia, Brazil, Cameroon, China, Colombia, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Egypt, Fiji, France, Guinea-Bissau, Hungary, India, Indonesia, Iraq, Jamaica, Kenya, Malaysia, Mexico, Netherlands, Nicaragua, Oman, Panama, Peru, Philippines, Portugal, Qatar, Republic of Korea, Singapore, Soviet Union, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, United Arab Emirates, Venezuela, Viet Nam, Zimbabwe, *Bureau Benelux des Marques* (Brussels), *Centre d'études internationales de la propriété industrielle* (Strasbourg), the European Patent Office (The Hague).

During the same period, the International Bureau, with the help of meetings organized by it, wrote and published model laws, with commentaries, on the protection of inventions (1965 and 1980), trademarks (1967), designs (1970) and appellations of origin (1975), a Licensing Guide for Developing Countries (1977), a collection of lectures on The Importance of the Patent System to Developing Countries (1977), and an Industrial Property Glossary (1980). Most of the Model Laws were published in Arabic, English, French and Spanish, and the Licensing Guide exists so far in editions in Arabic, Chinese, English, French, Japanese, Portuguese and Spanish.

*Monthly Periodicals.* As already stated, *La Propriété industrielle* started as a monthly periodical with the January 1885 issue and, since then, has been published, without any interruption, even during the two world wars, so that, by the end of 1982, 1,176 issues were published. The number of printed pages was 104 in 1885, 240 in 1905, 268 in 1925, 152 in 1945, 300 in 1965, 400 in 1975 and 760 in 1982. The total number of printed pages during the 98 years between 1885 and 1982 is 25,188. *Industrial Property* started as a monthly periodical in 1962, and the total number of printed pages during the 21 years between 1962 and 1982 is 9,200. The number of subscribers, in 1982, to each of those two periodicals was 1,220 and 1,430, respectively.

*Special Information on Request, Particularly Advice and Assistance to Developing Countries.* Between 1963 and 1983, the International Bureau provided advice and assistance to the following countries, at the request of the Government of the country concerned, in establishing or improving their legislative and administrative infrastructures in the field of industrial property: Algeria, Angola, Argentina, Bahrein,



*Jacques Secretan, 1953-1963*  
*"He knew a great enterprise needed public attention"*



Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Burma, Burundi, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Haiti, Honduras, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Lesotho, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Saint Lucia, Saint Vincent and The Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe. The International Bureau gave also advice in connection with the drafting of the Agreement Relating to the Creation of an African Intellectual Property Organization (OAPI), the Agreement on the Creation of an Industrial Property Organization for English-Speaking Africa (ESARIPO) and the Protocol relating to the latter and helped the said two organizations, and also the Federation of Arab Scientific Research Councils (FASRC), in establishing patent documentation and information services.

**Official Languages.** The original (1883) text of the Paris Convention provided that "The official language of the International Bureau shall be French" (Final Protocol of 1883, paragraph (6)). This provision was maintained until the conference of revision of 1958 (Lisbon), where it was replaced by the following text: "The French and English languages shall be used by the International Bureau in performing the tasks provided for in paragraphs (3) [general information services and the periodical] and (5) [special information on request]...[whereas] the conferences and meetings referred to in Article 14 [conferences of revision and "Conferences of Representatives"] shall be held in the French, English and Spanish languages" (1958 (Lisbon) Act, Article 13(2)(a) and (b)). The Paris Convention ceases to speak about the official languages of the International Bureau beginning with the 1967 (Stockholm) Act since, by virtue of that Act and by virtue of the WIPO Convention of 1967, the International Bureau of the Paris Union has been replaced by the International

Bureau of WIPO. The WIPO Convention itself is silent on the question of official languages, presumably because of the need to allow flexible solutions. And, indeed, there has been a constant evolution since 1963: more and more languages are used in more and more fields by the International Bureau. By 1983, the situation was as follows. English and French are generally used to the same extent by the International Bureau and in practically all its activities (correspondence, publications, working documents, interpretation in meetings, etc.). Spanish is also used in correspondence. Arabic, Russian and Spanish are used in many publications and documents and a substantial part of the meetings. Portuguese is used in an increasing number of publications. Some publications have been translated and distributed also in Chinese, German, Italian and Japanese. A voluminous commentary on one of the Conventions was translated and published in Hindi.

### Finances of the Union

**First Occurrence in the Paris Convention and the System of Contributions.** The original (1883) text of the Paris Convention provides that the cost (*frais*) of the International Bureau of the Paris Union "shall be borne by the Governments (*Administrations*) of all the contracting States" (Article 13). In the Final Protocol of 1883, the so-called "class-and-unit system" of contributions – already in use in two other international Unions establishing Secretariats under Swiss supervision and founded a few years earlier – is also defined: there are six "classes" (I, II, III, IV, V and VI); a number of "units" are assigned to each class, namely, 25, 20, 15, 10, 5 and 3, respectively; the number of the countries belonging to each class is multiplied by the appropriate number of units, and the products of the multiplications are added; the amount of the effective expenses in each given year is divided by the total number of units and the resulting quotient is the amount of contribution to be paid per unit; the contributions were in the nature of reimbursement to the Swiss Confederation since the Swiss Confederation advanced the funds necessary for covering the expenses when they arose.

For example, the Management Report (*Rapport de gestion*) of the International Bureau of the Paris Union for 1887 shows that, the following number of countries having belonged in the classes indicated, the contributions of 29,484 Swiss francs were divided as follows:

4 countries in Class I give	4 x 25 =	100 units
1 country in Class II gives	1 x 20 =	20 units
2 countries in Class III give	2 x 15 =	30 units
1 country in Class V gives	1 x 5 =	5 units
3 countries in Class VI give	3 x 3 =	9 units
	Total	164 units

The amount of 29,484 francs divided by 164 units gives 180 francs per unit. Consequently, the amount to be paid by each country was as follows:

for a country in Class I,	180 x 25 =	4,500 francs
for a country in Class II,	180 x 20 =	3,600 francs
for a country in Class III,	180 x 15 =	2,700 francs
for a country in Class V,	180 x 5 =	900 francs
for a country in Class VI,	180 x 3 =	540 francs



*Choice of Class.* For the first Contracting States, the Final Protocol of 1883 itself fixed the classes and fixed them as follows: Class I: Italy and France; Class II: Spain; Class III: Belgium, Brazil, Portugal and Switzerland; Class IV: Netherlands; Class V: Serbia; Class VI: Guatemala and Salvador.

The 1911 (Washington) Act stated for the first time the principle of free choice of class. It did so in the following terms: "Each Contracting State shall designate, at the time of its accession, the class into which it wishes to be placed (*rangé*)" (Article 13). The 1958 (Lisbon) Act stated for the first time that a country may change class. It did so in the following terms: "Each country of the Union shall designate, at the time of its accession, the class into which it wishes to be placed. However, any country of the Union may later declare that it wishes to be placed in another class" (Article 13(9)). This rule, subject to small changes in wording, was repeated in the 1967 (Stockholm) Act, but the following two sentences were added to it: "If it [a country changing class] chooses a lower class, the country must announce such change to the Assembly at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the said session." (Article 16(4)(b)).

The 1967 (Stockholm) Act also created a new class. In that class, contributions are the lowest: it is Class VII, and the number of units corresponding to it is one.

On March 20, 1983, the date of the centenary of the Paris Convention, the countries members of the Paris Union belonged in the following classes for the purposes of computing their contributions:

*Class I:* France, Germany (Federal Republic of), Japan, Soviet Union, United Kingdom, United States of America (6),

*Class II:* None,

*Class III:* Argentina, Australia, Belgium, Brazil, Canada, German Democratic Republic, Italy, Netherlands, Sweden, Switzerland (10),

*Class IV:* Austria, Czechoslovakia, Denmark, Finland, Ireland, Mexico, Norway, Portugal, South Africa, Spain (10),

*Class V:* Greece, Hungary, New Zealand, Poland, Romania, Yugoslavia (6),

*Class VI:* Algeria, Bulgaria, Cuba, Cyprus, Dominican Republic, Egypt, Haiti, Iceland, Indonesia, Iran, Iraq, Israel, Kenya, Lebanon, Libya, Morocco, Nigeria, Philippines, Republic of Korea, San Marino, Syria, Tanzania, Trinidad and Tobago, Tunisia, Turkey, Zaire (26),

*Class VII:* Bahamas, Benin, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic People's Republic of Korea, Gabon, Ghana, Guinea, Holy See, Ivory Coast, Jordan, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritania, Mauritius, Monaco, Niger, Senegal, Sri Lanka, Suriname, Togo, Uganda, Upper Volta, Uruguay, Viet Nam, Zambia, Zimbabwe (34).

*Amount of the Contributions.* The original (1883) text of the Paris Convention said that the expenses (*frais*) "may not, in any case, exceed, each year, a total amount corresponding to an average of 2,000 [Swiss] francs for each Contracting State." The 1911 (Washington) Act fixed the total amount of the expenses at a maximum of 60,000 Swiss francs per year (Article 13). The 1925 (Hague) Act doubled that amount (resulting in 120,000 Swiss francs) and added that any conference of revision may, by unanimous decision, augment the said limit (see Article 13), which meant that the new limit need not be inscribed in the text of the Convention itself. Nevertheless, the 1934 (London) and 1958 (Lisbon) Acts repeated the 120,000 Swiss francs limit in the Acts themselves (and added a yearly amount of a maximum of 20,000 Swiss francs for certain extraordinary expenses). The conference of revision of 1958 (Lisbon), however, allowed the Conference of Representatives,



established in the 1958 (Lisbon) Act, to modify, if sitting as a Conference of Plenipotentiaries, the maximum amount written into the Convention, provided the decision is unanimous.

It is to be noted that, until the entry into force of the 1967 (Stockholm) Act, the system was the following: the Contracting States did not vote a budget; they left it to the Swiss Government to authorize expenses; they merely fixed a ceiling for the expenses; the expenses actually incurred were paid – advanced – by the Swiss Government; once yearly accounts were established and the actual amount of the expenses for the preceding year was known, the Contracting States reimbursed them to the Swiss Government according to the class-and-unit system.

Although the 1967 (Stockholm) Act preserved the class-and-unit system for the purposes of calculating contributions, it changed the system in all other respects (see Article 16): the Assembly of the Paris Union has to vote a budget in advance of the financial exercise; the budget shows, in the expected income, the total amount of the contributions; the contributions are payable on the first day of the financial exercise. There is no maximum but a fixed amount. The expenses are paid by the International Bureau from its own funds (not from advances of the Swiss Government), and the contributions are owed to the International Bureau (not to the Swiss Government).

*Other Financial Provisions.* Article 16 of the 1967 (Stockholm) Act also introduced some of the other financial provisions usual for intergovernmental organizations: the need for a budget (paragraph (1)(a)); the enumeration of the possible sources of income (paragraph (3)); the possible loss of the right to vote for a country not having paid its contributions for two full years (paragraph (4)(e)); the constitution of a working capital fund (paragraph (6)); the auditing of the accounts (paragraph (8)).

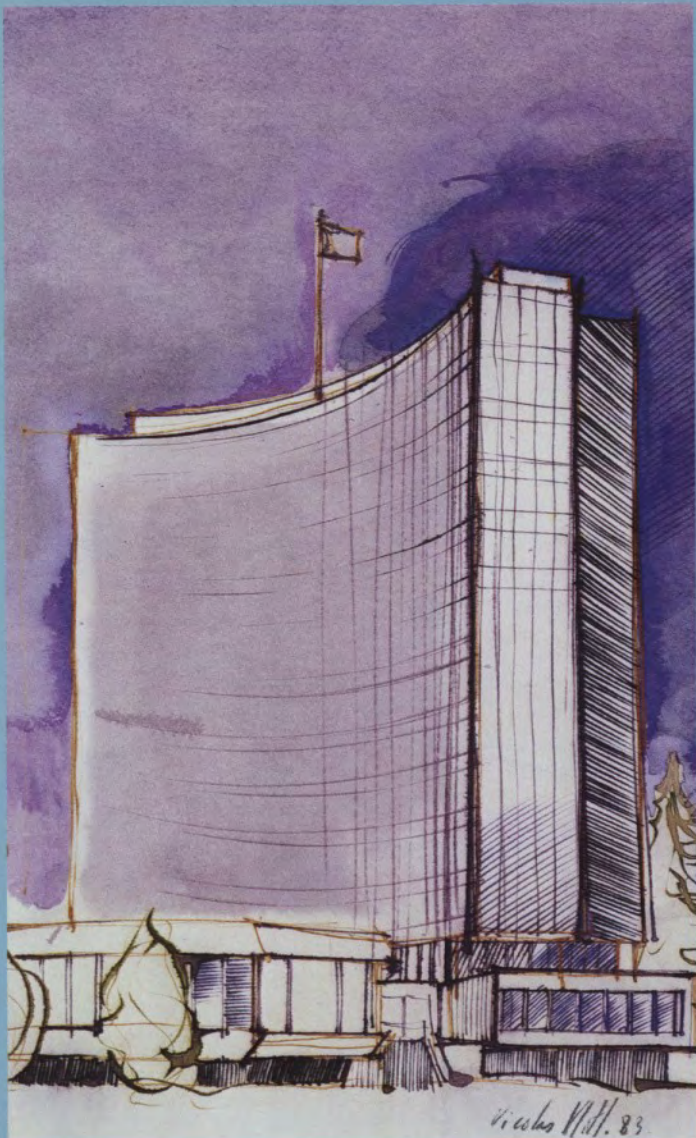
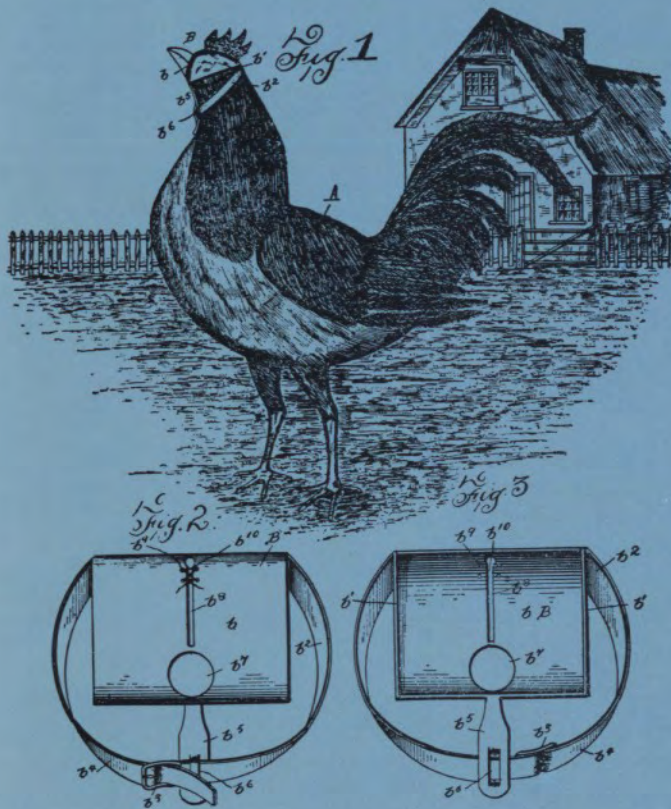
The 1967 (Stockholm) Act squarely faces the accounting problem flowing – and existing since the International Bureau of the Paris Union was united with the International Bureau of the Berne Union in 1893 – from the fact that the International Bureau (of WIPO) is working not for the Paris Union alone but for several – in 1983, ten

different – Unions, each of which has financial autonomy. The said Act provides, in particular, that “Expenses not attributable exclusively to the [Paris] Union but also to one or more other Unions [e.g., the Berne Union] administered by the Organization [WIPO] shall be considered as expenses common to the Unions. The share of the [Paris] Union in such common expenses shall be in proportion to the interest the [Paris] Union has in them.” (Article 16(1)(c)).

*Evolution of the Contributions and the Expenses.* From the beginning, the amount of the contributions has been established and the contributions have been payable in Swiss francs. The accounts of the International Bureau are also kept in Swiss francs. The yearly amount of the expenses of the International Bureau of the Paris Union, or on account of the Paris Union, was 1,210 Swiss francs in 1884 and doubled (exceeding the following amounts for the first time) in the following years: 10,000 francs in 1886; 20,000 francs in 1889; 40,000 francs in 1899; 80,000 francs in 1923; 160,000 francs in 1949; 320,000 francs in 1959; 640,000 francs in 1962; 1,280,000 francs in 1968; 2,560,000 francs in 1973; 5,120,000 francs in 1977.

The yearly amounts, in Swiss francs, of the expenses of the Paris Union and of the contributions to the International Bureau on account of the Paris Union are shown in the following table:

Year	Expenses	Contributions	Year	Expenses	Contributions
1884	1210	7961	1933	108184	98409
1885	5596	38770	1934	107811	98005
1886	15303	29047	1935	108196	99211
1887	11836	29484	1936	92542	82893
1888	17593	39967	1937	89058	79669
1889	21903	25277	1938	93333	83972
1890	26410	39735	1939	87433	79071
1891	22327	30917	1940	93765	84043
1892	26540	31162	1941	98638	89960
1893	36052	16209	1942	96829	89587
1894	33364	19994	1943	97513	91673
1895	35223	30871	1944	104692	97946
1896	32931	38850	1945	107119	100608
1897	39794	31564	1946	123129	113305
1898	38815	34481	1947	152737	139715
1899	44077	35541	1948	158619	144176
1900	45462	37486	1949	228559	205388
1901	45046	36824	1950	230024	203622
1902	43475	37120	1951	251570	214195
1903	43655	39373	1952	238503	214101
1904	49791	42238	1953	236545	214152
1905	47794	42096	1954	239135	214200
1906	46053	41035	1955	249875	214200
1907	48626	42611	1956	257780	214200
1908	48025	39734	1957	265182	214200
1909	51634	44672	1958	258964	214200
1910	50711	44047	1959	532616	473000
1911	63001	48860	1960	592046	545000
1912	54764	45477	1961	577473	521979
1913	53371	49068	1962	641643	527584
1914	55354	47425	1963	1226943	832913
1915	56290	50311	1964	960273	823790
1916	55115	48332	1965	996341	832674
1917	55040	48858	1966	1016316	860896
1918	64394	58090	1967	1182645	861718
1919	63860	56529	1968	1437408	1200000
1920	60440	52358	1969	1976318	1400000
1921	71357	120000	1970	2329847	1600000
1922	73816	110749	1971	2157961	2000000
1923	81539	74481	1972	2334282	2200000
1924	93085	84241	1973	2568706	2400000
1925	107109	93220	1974	3038066	2772000
1926	106018	94587	1975	3856419	3360000
1927	104004	93702	1976	4628906	4160000
1928	102265	92138	1977	5525210	5155000
1929	107676	96668	1978	6549781	6140000
1930	102732	91302	1979	7778684	6459000
1931	102694	92424	1980	8699355	7926000
1932	102016	91017	1981	9025097	7937000



Because of the gradual diminution of the purchasing power of the Swiss franc (or, for that matter, any other currency) during the last one hundred years, the above figures do not give a true picture of increase "in real terms" either of the expenses or of the contributions. Taking as an example the fact that a daily issue of a newspaper—the *Journal de Genève*—cost 10 Swiss cents in 1884 and one Swiss franc in 1982—the purchasing power of the amounts concerning the years after 1884 has become gradually lower so as to become in 1983 some ten times less than it would have been in 1883.

*Plans for Changing the System of Contributions.* The class-and-unit system is used not only in the Paris Union, the Berne Union, all the Special Unions under the Paris Union that have a contribution system and in WIPO but also in a few other intergovernmental organizations, for example, among the United Nations specialized agencies, in the Universal Postal Union and the International Telecommunications Union. On the other hand, most other specialized agencies and the United Nations itself have a contribution system in which countries have no choice but are assessed mainly on the basis of their relative wealth.

The first, and so far only, change in the contribution system of the Paris Union was made by the conference of revision of 1967 (Stockholm), which, as already stated, added one new class (Class VII) to the six classes (I, II, III, IV, V and VI) established in, and in existence since, 1883. That new class (with one unit) raised from 1:8.33 to 1:25 the ratio between the contribution class with the highest and the contribution class with the lowest amount of contributions. Accordingly, in 1982, any of the five countries belonging to Class I paid 4.57%, and any of the 30 countries belonging to Class VII paid 0.18% of the total contributions in the Paris Union.

The difference between the highest and the lowest contributions is less than in most other intergovernmental organizations. For example, in the United Nations, it is 25 to 0.01, or two thousand five hundred-fold. Therefore the question was raised, in the Assembly of the Paris Union (and other Governing Bodies), whether some further changes should not be introduced in the system of contributions.

The matter has been under consideration since 1977 but no decisions have been reached by March 20, 1983, the date of the centenary of the Paris Convention.

### Amendment of the Administrative Clauses

*First Occurrence in the Paris Convention; Analysis; Applications in Practice.* As already stated, the provisions on the Assembly of the Paris Union, on the Executive Committee of that Assembly, on the role of the International Bureau of WIPO and the Director General of WIPO in respect of the Paris Union, and on the finances of the Paris Union—that is, Articles 13, 14, 15 and 16 of the 1967 (Stockholm) Act—are generally referred to as "the administrative clauses." The conference of revision of 1967 (Stockholm), conscious of the fact that revising the text of a multilateral treaty in a conference of revision is a difficult

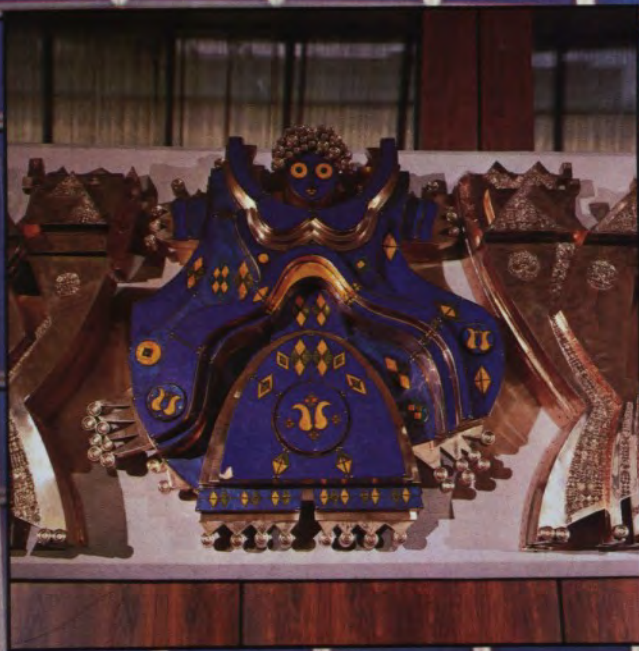
and slow task, decided that there should be a simpler method of revising the said administrative clauses. That simpler method—which should also yield results faster—is provided for in Article 17 of the 1967 (Stockholm) Act and consists of the possibility of amending the said administrative clauses, including Article 17 itself, by the Assembly of the Union. The entry into effect of any such amendment requires that three fourths of the countries members of the Assembly (members, that is, at the date of the adoption of the amendment) notify their acceptance of it to the Director General. What is interesting is that, once the amendment enters into effect, it binds also those countries of the Assembly which were members of the Assembly at the said date and which have not notified their acceptance of the amendment. There is one exception to this rule: any amendment that increases the financial obligations of countries of the Paris Union binds only those countries which have notified their acceptance of the amendment. Any country that becomes a member of the Assembly after any amendment enters into force is automatically bound by it. All this is provided for in the said Article 17.

The possibility of amendment offered by the Article under consideration was made use of for the first—and so far only—time in 1979, when the Assembly decided to replace its triennial ordinary sessions by biennial ordinary sessions, and the triennial budget and annual budgets by a biennial budget. For that purpose, the Assembly adopted amendments to Article 13(2)(a)(vi) and (7)(a) and Article 14(6)(a)(ii) and (iii). On March 20, 1983, the date of the centenary of the Paris Convention, the amendments had not yet entered into force (since the number of acceptances notified was still under the required three fourths) but, in fact, the amendments were applied from the moment they were adopted by the Assembly, and they were so applied by virtue of a corresponding unanimous decision of the Assembly. The said decision, however, provides for the application of the amendments only until the 1985 ordinary session of the Assembly. If, by that time, the required number of acceptances—54, since the number of the members of the Assembly was 71 when the amendments were adopted—will not have reached the former number, the matter will have to be reviewed. Amendments increasing the financial obligations have not so far been adopted by the Assembly.

### **The Locations of the International Bureau**

The International Bureau has been in Switzerland from the very beginning: first in Berne, later and now (in 1983) in Geneva.

The first independent office consisted of two rented rooms in an apartment house at the address Amtshausgasse 1. Later, it was moved to Hirschengraben 8. This lasted from 1885 to 1892. In the latter year, the Bureau moved into an apartment of ten rooms at Kanonengasse 14. This was already an office of the United Bureaus. Six rooms were used for office purposes, the other four were the apartment of the janitor and for storage. All those premises were rented.



A big change occurred in 1904 when the United Bureaus moved into the *Helvetiastrasse* in Berne. They rented most of a four-storey house. The house number was 7.

The *Helvetiastrasse* house was the home of the Bureaus for 56 years, that is, until 1960.

In 1958, the construction of the first building belonging to the Bureaus started, in Geneva, on a piece of land between the avenue Giuseppe-Motta and the chemin des Colombettes. The address of that building is 32, chemin des Colombettes. It is some hundred meters from the Place des Nations, a large square on one side of which is the main entrance to the *Palais des Nations*, the headquarters (from 1936) of the League of Nations and, since 1945, of the Geneva Office of the United Nations.

The construction of the said building of the United Bureaus was completed in 1960, and the Bureaus moved from Berne to Geneva in 1960. It is now referred to as "the BIRPI Building." Operations started there on July 20, 1960.

The BIRPI Building, when constructed, had four floors and an unequipped conference room. The size of the building is the same in 1983 as it was in 1960 but, in 1964, the (only) conference room, with some 60 seats, was furnished with simultaneous interpretation equipment. (In 1982, the conference room was dismantled.) The first telex equipment was installed in 1965. The first electric typewriters were purchased in 1964. In 1960, the BIRPI Building was too large for the needs of the International Bureaus and one of its floors was rented—from 1959 to 1969—to the European Free Trade Association (EFTA). When the WIPO Building (see below) was completed, two floors, in the same building, were, once again, rented out and are still occupied (in 1983) by tenants: one of them is the Permanent Mission of Nigeria, the other is the Permanent Mission of Saudi Arabia. On the ground floor, office space is rented (in 1983) to a bank and to a travel agency.

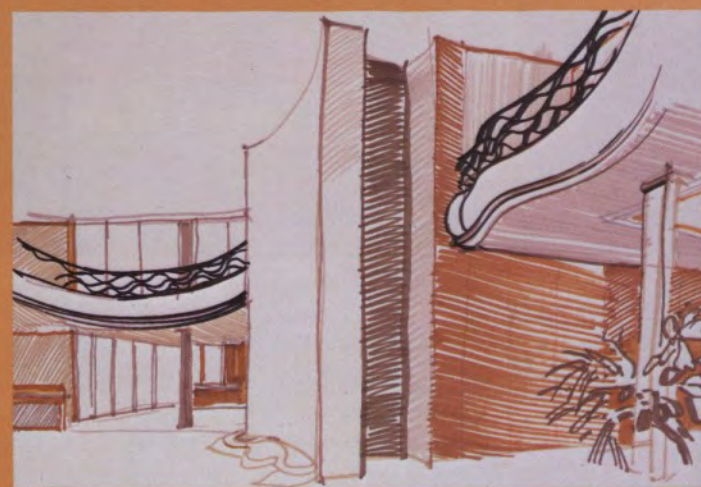
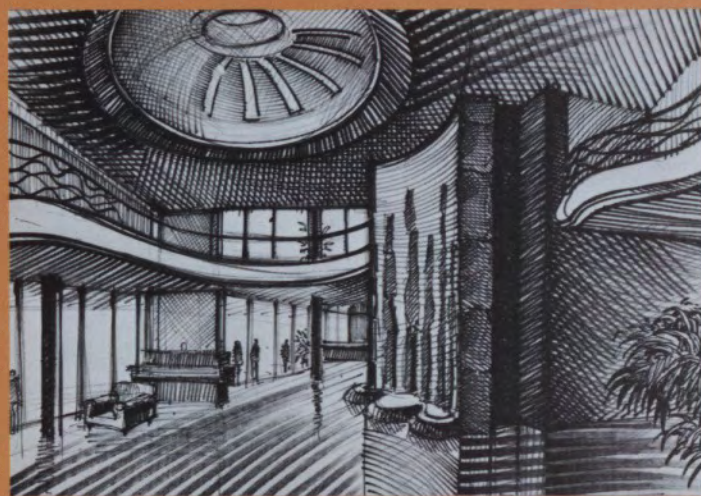
The volume of the BIRPI Building is 14,720 cubic meters. It has two small elevators, a garage for two automobiles and an apartment for a janitor.

All the rest is office space. The active collections of the library and the library's reading room are (in 1983) also in the BIRPI Building.

With the growth of the staff (see below) and the increased need for conference rooms for meetings, the BIRPI Building became too small and during the nineteen-seventies part of the staff had to be located in a temporary building constructed next to the BIRPI Building (1971 to 1978) and in several rented premises in various places in Geneva (56 and 58, rue de Moillebeau from 1968 to 1971; 20, rue de Lausanne from 1974 to 1976; 31, avenue de Budé from 1975 to 1978; the headquarters of the World Health Organization (1970, 1973-1974, 1976-1978); the headquarters of the International Labour Office (1978)).

The construction of a new, much larger building, was decided in 1970. The construction was completed in 1978; it was inaugurated, for the staff, on June 16, 1978, and, in a ceremony for the delegates of Governments, on September 24, 1978.

The new building is usually referred to as "the WIPO Building." Its address is 34, chemin des Colombettes. It is





next to and connected with the BIRPI Building. On its other side, it is on the edge of the *Place des Nations*. Its volume is 82,315 cubic meters. It has 19 levels: 14 above ground and five under ground. Four of the underground floors are garages for 220 automobiles. It has (in 1983) three conference rooms: one, with 270 seats, is equipped for simultaneous interpretation in four languages; a second, with 70 seats, is equipped for simultaneous interpretation in three languages; the third, with 50 seats, is without such equipment. There are six elevators. The top floor is a cafeteria open to delegates, the staff and the general public. The view from the top floor is circular: the Alps, including the *Mont Blanc* (the highest peak in Europe), are visible towards the South; the Lake of Geneva (*Lac Léman*) is visible towards the East; the Jura mountains are visible towards the North; and parts of the city of Geneva, including the Cathedral and the *jet d'eau*, with the *Salève* mountain on the horizon, are visible towards the West and the South.

The WIPO Building was planned, including its internal decoration, and its construction was supervised, by Pierre

Braillard, a Swiss architect from Geneva, who was also the architect of the BIRPI Building. The WIPO Building is an arc-shaped building, almost completely covered by glass. The glass is blue: its tint changes with the color of the sky between pale and dark blue.

The main internal decorative element is the lobby, containing a *mur fontaine* and featuring a cupola. The *mur fontaine* consists of a wall of thousands of small marble blocks (each as big as a matchbox); from invisible openings, in the upper part, water trickles down the wall, changing the marble's illumination and causing gentle sounds of splashing in the basin to which the water eventually finds its way. The top of the cupola consists of a round window through which one can see the "tower," as the building is sometimes called. The cupola carries an inscription in Latin, text of the Director General of WIPO in 1978, reading as follows: "NASCUNTUR AB HUMANO INGENIO OMNIA ARTIS INVENTORUMQUE OPERA. QUAE OPERA DIGNAM HOMINIBUS VITAM SAEPIUNT. REIPUBLICAE STUDIO PERSPICIENDUM EST ARTES INVENTAQUE TUTARI." The English translation of this text is the following: "Human genius is the source of all works of art and invention. These works are the guarantee of a life worthy of men. It is the duty of the State to ensure with diligence the protection of the arts and inventions."

This was the situation on March 20, 1983, the date of the centenary of the Paris Convention. By that date, gifts from the Governments of the following countries and organizations decorated the lobby or other parts of the WIPO and BIRPI Buildings:

*Australia*: "Landscape," oil painting by David Preston, and "The Beach," oil painting by John Maudson; *Brazil*: design of the WIPO gardens by Burl-Marx; *Bulgaria*: "Scientific and Technical Creativity," tapestry by Liliانا Davidova Tchaouchéva; *Cameroon*: carved wood plaque; *Canada*: "Katamavik," Eskimo tapestry by Aqluvak; *Chile*: "Aku-Aku of the Moon," marble sculpture by Lily Garafulic; *Congo*: two wooden statuettes; *Czechoslovakia*: "Praga Caput Regni," tapestry by Josef Müller, and Bohemian crystal glasses; *Egypt*: "Moonlight on the Nile," tapestry by Ali Selim; *Finland*: "The Glass Blowers," wood and bronze sculpture by Armas Hutri; *France*: one wooden table (French, sixteenth century), one wooden console (French, seventeenth century), two wooden chairs (French, seventeenth century), one Sèvres vase (nineteenth century), two Sèvres vases (twentieth century) and one tapestry (Goblains, twentieth century); *German Democratic Republic*: "Im Gedanken," marble sculpture by W. Arnold; *Germany (Federal Republic of)*: sacristy wardrobe and chest, wood (seventeenth century, North Germany); *Greece*: "Aristoteles" and "Alexander the Great," marble replicas of two busts by Nicolas Perantinos; *Holy See*: "Madonna del Granduca," mosaic replica of the painting by Raphael; *Hungary*: "Bluebeard's Castle," copper and enamel frieze for the main conference room by Kornélia Bokor; *India*: bronze statue of the Goddess Saraswathi; *Indonesia*: carved wooden screen from Bali; *Iran*: Isphahan carpets; *Ireland*: "Blue X Pinstripe," metal sculpture by Brian King; *Italy*: oil painting by Ippolito Scarsella and "Paolina," bronze sculpture by Vittorio di Colbitaldo; *Japan*: cloisonné enamel vase and "Pomegranate," ceramic plate by Kakiemon XIII; *Kenya*: three tribal shields and spears; *Netherlands*: rhododendrons and roses for the WIPO gardens; *Norway*: "Setting Sun," oil painting by Thore Heramb; *New Zealand*: "Mont Egmont," oil painting; *Poland*: "Centaur et Satyr," tapestry by Stefan Galkowski; *Portugal*: "Landscape of My Garden," tapestry by Cargaleiro; *Romania*: mural mosaic for the BIRPI Building; *Soviet Union*: copy of "Sputnik," the first artificial satellite, and "Moscow Rejoices," tapestry by A.A. Shmakova; *Spain*: decorative pillars for the BIRPI Building, carpet and china set; *Sri Lanka*: silver tea service; *Sudan*: "Nubian Princess Protected by Madonna and Child," copy of twelfth century Copt wall painting; *Sweden*: "The Forest," tapestry by Elisabeth Hasselberg-Olsson; *Switzerland*: two paintings by Bruno Baeriswyl; *United Kingdom*: table and chairs for the Director General's dining room, etchings by E. Bawden and C. Penny; *United States of America*: a piece of the moon (lunar rock NASA No. 15,555,766); *Yugoslavia*: tapestry by Milica Zoric-Colakov; *Zaire*: chairs, table, bookcase and statuettes of carved wood and pictures on copper and canvas; *International Association for the Protection of Industrial Property (AIPPI)*: vase and bowl manufactured by Lalique; *International Federation of Patent Agents (FICPI)*: blown glass sculpture by Susan Kemp; *International Federation of Inventors' Associations (IFIA)*: "Ploughman," statuette by S.N. Rajashingha; *International Literary and Artistic Association (ALAI)*: painting by André Lhote; *Japan Institute of Invention and Innovation (JIII)*: stone lantern for the WIPO gardens.



### The Staff of the International Bureau

The staff of the International Bureau—and by "International Bureau" is meant, from 1893 to 1970, the United International Bureaus, and, since 1970, the International Bureau of WIPO—grew from one in 1885 to some 270 in 1983. The number of 10 was reached in 1904, 20 in 1929, 50 in 1960, 100 in 1970 and 200 in 1979. Only part of the staff works for the Paris Union: today and since the mid-nineteen-twenties, when the Madrid and Hague Unions started to occupy a substantial part of the staff, approximately one quarter. Before that, the proportion of the staff working for the Paris Union was higher.

The following list shows the number of staff for each of the years from 1884 to 1983:

1884: 0; 1885: 1; 1886: 2; 1887: 2; 1888: 4; 1889: 4; 1890: 4; 1891: 4; 1892: 5; 1893: 7; 1894: 7; 1895: 7; 1896: 7; 1897: 7; 1898: 7; 1899: 8; 1900: 9; 1901: 9; 1902: 9; 1903: 9; 1904: 10; 1905: 10; 1906: 10; 1907: 10; 1908: 10; 1909: 10; 1910: 10; 1911: 11; 1912: 12; 1913: 13; 1914: 14; 1915: 14; 1916: 14; 1917: 14; 1918: 14; 1919: 12; 1920: 11; 1921: 12; 1922: 14; 1923: 14; 1924: 17; 1925: 18; 1926: 18; 1927: 18; 1928: 18; 1929: 20; 1930: 21; 1931: 21; 1932: 21; 1933: 20; 1934: 20; 1935: 20; 1936: 19; 1937: 18; 1938: 17; 1939: 17; 1940: 17; 1941: 17; 1942: 17; 1943: 18; 1944: 20; 1945: 20; 1946: 20; 1947: 20; 1948: 22; 1949: 22; 1950: 22; 1951: 22; 1952: 22; 1953: 22; 1954: 27; 1955: 27; 1956: 28; 1957: 28; 1958: 27; 1959: 45; 1960: 50; 1961: 52; 1962: 52; 1963: 61; 1964: 63; 1965: 64; 1966: 68; 1967: 73; 1968: 87; 1969: 97; 1970: 110; 1971: 114; 1972: 131; 1973: 149; 1974: 147; 1975: 158; 1976: 171; 1977: 174; 1978: 188; 1979: 200; 1980: 244; 1981: 265; 1982: 262; 1983: 270.

Complete data concerning the nationality of the staff are available since 1962, when the staff consisted of 52 persons. In that year, the staff came from five different countries,

namely, from Algeria 1, from France 6, from Italy 3, from Switzerland 39, and from the United Kingdom 3. In 1983, the staff consisted of 270 persons (118 men and 152 women), and came from 53 different countries, namely, Algeria 1, Argentina 2, Australia 1, Austria 2, Belgium 6, Bolivia 2, Brazil 1, Bulgaria 1, Burma 1, Cameroon 1, Canada 2, Chile 4, China 1, Colombia 1, Denmark 1, Egypt 3, France 73, German Democratic Republic 1, Germany (Federal Republic of) 12, Ghana 2, Greece 1, Honduras 1, Hungary 1, India 2, Indonesia 1, Iran 1, Ireland 2, Israel 1, Italy 7, Jamaica 1, Japan 3, Lebanon 1, Mauritius 1, Netherlands 5, Pakistan 1, Peru 2, Philippines 3, Portugal 3, Senegal 1, Singapore 1, Somalia 1, Soviet Union 7, Spain 4, Sri Lanka 4, Sudan 1, Sweden 2, Switzerland 57, Tunisia 1, United Kingdom 23, United States of America 9, Uruguay 1, Viet Nam 1, Yugoslavia 1.

On March 20, 1983, the date of the Centenary of the Paris Convention, the Director General was Arpad Bogsch, and the staff consisted of the following persons (the name of the country indicates the person's nationality, whereas an asterisk indicates that the person is a woman):

*Deputy Directors General:* Pfanner, Klaus (Fed. Rep. of Germany);

Porzio, Marino (Chile); Kostikov, Lev (Soviet Union);

*Director of Department:* Masouyé, Claude (France);

*Directors of Division:* Alikhan, Shahid (India); Baeumer, Ludwig (Fed. Rep. of Germany); Claus, Paul (Belgium); Curchod, François (Switzerland); Harben, Roger (United Kingdom); Keefer, Thomas (Canada); Ledakis, Gust (USA); Thiam, Ibrahima (Senegal);

*Professionals of grade P5:* Balleys, François (Switzerland); Bartels, Busso (Fed. Rep. of Germany); Blumstengel, Reiner (German Dem. Rep.); Bouchez, Daniel (France); Boytha, György (Hungary); Dondenne Bernard (France); Franklin, Jordan (USA); Ge Bo (China); Hansson, Bo (Sweden); Higham, Philip (United Kingdom); Howard, Paul (USA); Jaccard, Albert (Switzerland); Kadirgamar, Lakshmanathan (Sri Lanka); Lagesse, Maurice (Mauritius); Mangué, Pierre (France); Moussa, Farag (Egypt); Pareja, Enrique (Argentina); Plotnikov, Youri (Soviet Union); Quashie-Idun, James (Ghana); Scherrer, Normando (Brazil); von Schleussner, Anna\* (Fed. Rep. of Germany); Stojanovic, Mihailo (Yugoslavia); Trousov, Vitaly (Soviet Union); Werkman, Casper (Netherlands);

*Professionals of grade P4:* Achkar, Maurice (Switzerland); Andary, Raymond (Lebanon); Davila, Andres (Colombia); Davoudi, Bernard (Iran); Eckstein, Guy (Belgium); Erstling, Jay (USA); Frammery, Gilles (France); Grab, Nicolas (Uruguay); Idris, Kamil (Sudan); Ilardi, Alfredo (Italy); Kecherid, Aly-Bey (Algeria); Kindler, Claude (Switzerland); Lamb, John (United Kingdom); Lewenton, Michael (Fed. Rep. of Germany); Machado, Bruno (France); Moujjevlev, Vladimir (Soviet Union); Nakamura, Akihiro (Japan); Pike-Wanigasekara, Indrani\* (Sri Lanka); Qayoom, Maqbool (Pakistan); Rezounenko, Ervene (Soviet Union); Roslov, Vladimir (Soviet Union); Rossier, Henri (Switzerland); Sagarmingana, Antonio (Spain); Sturges, Guy (United Kingdom); Watt, Richard (United Kingdom); Yu, Geoffrey (Singapore); Zarb, Mireille\* (France);

*Professionals of grade P3:* Andrews, Patrick (United Kingdom); Daval, Anne\* (France); Espinosa, Octavio (Peru); Gascou, Pierre (France); Gattone, René (France); Hashimoto, Yasushige (Japan); Hirai, Tamotsu (Japan); Hutchins, Keith (United Kingdom); Leder, Charles (Fed. Rep. of Germany); Lom, Helen\* (USA); Nguyen Quang, Hao (Viet Nam); Simon, Françoise\* (France); Swaminathan, Anuradha\* (India); Tagnani, Giovanni (Italy); Tran-Thi, Thu-Lang\* (Switzerland); Valarino, Henry (United Kingdom); Yossifov, Vladimir (Bulgaria);

*Professionals of grade P2:* Di Palma, Salvatore (Italy); Geiger, Erika\* (Switzerland); Graf, Henri (Switzerland); Knotts, Mary Ann\* (USA); Omokolo, Hilaire (Cameroon); Perez Fernandez, Ignacio (Spain); Stuckey, Joanne\* (Australia); Terbois, Vincent (Switzerland);

*General Service grade G7:* Fankhauser, Adèle-Edith\* (Switzerland); Grassioullet, Christian (France); Kaufmann, Marc (Switzerland); Olivet, Eliane\* (Switzerland); Pugin, Henri (Switzerland); Unterkircher, Rudolf (Austria);

*General Service grade G6:* Bartolo, Odile\* (Switzerland); Baud, Christiane\* (Switzerland); Damond, Andrée\* (Switzerland); Devillard, Marie-José\* (France); Edgar, Rosemary\* (United Kingdom); Ellert, Veronika\* (Fed. Rep. of Germany); Günther, Karin\* (Fed. Rep. of Germany); Haim, Patricia\* (United Kingdom); Huber, Jacqueline\* (Switzerland); Keist, Laura\* (Switzerland); Kraft, Nicole\* (Switzerland); Lévy, Nicole\* (France); Maisonneuve, Gérard (France); Milner, Claire-Lise\* (Switzerland); Pidoux, Chantal\* (Switzerland); Porret, Solange\* (Switzerland); Potyka, Edith\* (Austria); Schneider, Anne\* (Switzerland); Schnewly, Gabriel (Switzerland); Schweizer, Jacques (Switzerland); Simpson, Marjorie\* (United Kingdom); Vitte, Claire\* (France); Wetzel, André (Switzerland); Zeender, Sylla\* (Switzerland);

*General Service grade G5:* Albanesi, Huguetta\* (Switzerland); Anticevic, Jean\* (USA); Bassill, Susan\* (United Kingdom); Berlioz, Jean-Pierre (France); Bernillon, Andrée\* (France); Boulaire, Brigitte\* (France);



Cassiau, Elisabeth\* (France); Claa, Carlos (Argentina); Cornish, Sheila\* (United Kingdom); Corvaro, Pietro (Italy); Disch, Michèle\* (France); Elson, Pauline\* (United Kingdom); Fraccaroli, Elfriede\* (Fed. Rep. of Germany); Grare, Paulette\* (France); Grguric, Danièle\* (France); Hänni, Liliane\* (France); Ivanovsky, Monique\* (France); Jendrysiak, Irène\* (France); Julen, Eliane\* (Switzerland); Kiriella, Travice (Sri Lanka); Leitao, Jaime (Portugal); Lister, Susan\* (United Kingdom); Luetto, Piera\* (Switzerland); Mathey, Maureen\* (United Kingdom); Mazel, Ginette\* (France); Mermel-Burnet, Madeleine\* (France); Milcent, Marie-France\* (France); Moelijker, Geertje\* (Netherlands); Moyné-Picard, Fleurette\* (France); Python, Danielle\* (France); Rabbe, Gisèle\* (France); Resca, Felice (Italy); Riond, Eliane\* (Switzerland); Sagiati, Jean\* (Switzerland); Schwarz, Linda\* (Netherlands); Skowronski, Gilbert (France); Slater, Mary\* (Ireland); Stassin, Thérèse\* (Belgium); Symes, Lynda\* (United Kingdom); Valvo, Jeannie\* (France); Walker-Arthur, Mawunu\* (Ghana); Wetzel, Paul (Fed. Rep. of Germany);

*General Service grade G4:* Adella, Giuseppe (Italy); Baigrie, Bernadette\* (United Kingdom); Barxell, Chantal\* (France); Bernard, Isabelle\* (Switzerland); Berthelet, Maryvonne\* (Switzerland); Carrier, Ragnhild\* (Denmark); Ciclet, Germaine\* (France); Davis, Vera\* (Belgium); de Sèves Rodrigues, Frederico (Portugal); Delaune, Denise\* (France); Driessens, Pascale\* (France); Enz, Irmgard\* (Switzerland); Foinquinos, Caroline\* (Switzerland); Giorgi, Giorgio (Italy); Grebing, Christa\* (Fed. Rep. of Germany); Guette, Marie-Thérèse\* (France); Guillaume, Janine\* (Switzerland); Gumy, Danielle\* (Switzerland); Hudry-Prodont, Marie-Noëlle\* (France); Humbert, Renée\* (Switzerland); Ianna, Rita\* (France); Ibarra, Liliana\* (Peru); Jaczynska, Blanche\* (France); Jean-Prost, Agneta\* (Sweden); Keller, Jacques (Switzerland); Khadhraoui, Mohamed (Tunisia); Kippelen, Paulette\* (France); Labory, Martine\* (France); Lagnieu, Michel (France); Lindecker, Françoise\* (France); Masseti, Catherine\* (France); Meili, Marianne\* (Switzerland); Menichini, Anne Maria\* (Ireland); Montasser, Farid (Egypt); Morel, Michel (France); Nallet, Anne-Marie\* (France); Obez, Nicola\* (United Kingdom); Pillonel, Odette\* (Switzerland); Polier, Barbara\* (Switzerland); Prielaida, Josette\* (Switzerland); Rauser, Boris (Switzerland); Roessli, Brenda\* (Switzerland); Saint-Marcel, Béatrice\* (France); Sanchez, Susan\* (United Kingdom); Sinner, Martine\* (Switzerland); Theunissen, Marie-Paule\* (Belgium); Tirador, Ramon (Spain); Utiger, Claude (Switzerland); Vorburger, Peter (Switzerland);

*General Service grade G3:* Baroni, Monique\* (France); Bastard, Christine\* (France); Belaich, Nicole\* (France); Bernard-Costilhes, France\* (France); Brager, Dominique\* (France); Briffod, Mireille\* (Switzerland); Compoin, Michèle\* (France); Costa, Luis (Chile); de la Fuente, Ximena\* (Chile); Deif, Nadia\* (Egypt); Desmaris, Christiane\* (France); Dondenne, Muriel\* (France); Emelyanova, Nina\* (Soviet Union); Groppi, Arlette\* (Switzerland); Guillon, Marie-Noëlle\* (France); Hanberk, Doris\* (Fed. Rep. of Germany); Herczog, Judith\* (Netherlands); Jeffery, Anne\* (United Kingdom); Jones, Arlette\* (USA); Kalombratsos, Alkiviadis (Greece); Kotalawala, Munidasa (Sri Lanka); Lanier, Lydie\* (France); Lausenaz-Gris, Jocelyne\* (France); Llarina, Imelda\* (Philippines); Mann, Françoise\* (France); Marion, Andrée\* (France); Martinez, Martine\* (France); Menezes, Victoria\* (United Kingdom); Mezière, Audrey\* (France); Monllor, Pascal (France); Navas del Monte, Francisca\* (Spain); Neusser, Antoni (stateless); Ortega, Amelia\* (Philippines); Panchard, Julienne\* (Switzerland); Perry, Anne\* (France); Repond, Josefina\* (Switzerland); Robert, Paul (France); Rozensztajn, André (Switzerland); Sacchi, Patricia\* (France); Smith, Lynda\* (Canada); Tulloch, Anna\* (Jamaica); Van der Putten, Anahid\* (Netherlands); Vasquez, Rodrigo (Chile); Verdan, Rémy (Switzerland); Zollet, Dominique\* (France);

*General Service grade G2:* Anwar, Janiza\* (Indonesia); Asseeff, Patrick (France); Bourdin, Ursula\* (Switzerland); Leignier, Christine\* (France); Leitao, Julio (Portugal); Meighan, Barbara\* (Honduras); Onkelinx, Cécile\* (Belgium); Pary, Lazaro (Bolivia); Pillet, Annamma\* (Switzerland); Shermarke, Marian\* (Somalia); Tunley, Karon\* (United Kingdom); Walenda, Anny\* (France); Win, Pyu Pyu\* (Burma); Zarraga, Edita\* (Philippines).

## Directors and Directors General

During the first decade of its existence, that is, between 1883 and 1893, the International Bureau was headed by persons not yet bearing the title of Director of the International Bureau.

During the subsequent 80 years, there were six who had the title of Director, while the seventh person started with the title of Director only but later (during the last three years of his term) he also had the title of Director General of WIPO. The eighth incumbent holds the post of Director General of WIPO and is also Director of BIRPI, although the latter title is no longer used in practice.

Before the International Bureau became that of WIPO in 1973, that is, during 90 years, the heads of the International Bureau were appointed by the Federal Council (roughly equivalent to a council of ministers) of the Swiss Confederation. They were all citizens of Switzerland, with the exception of the last one.

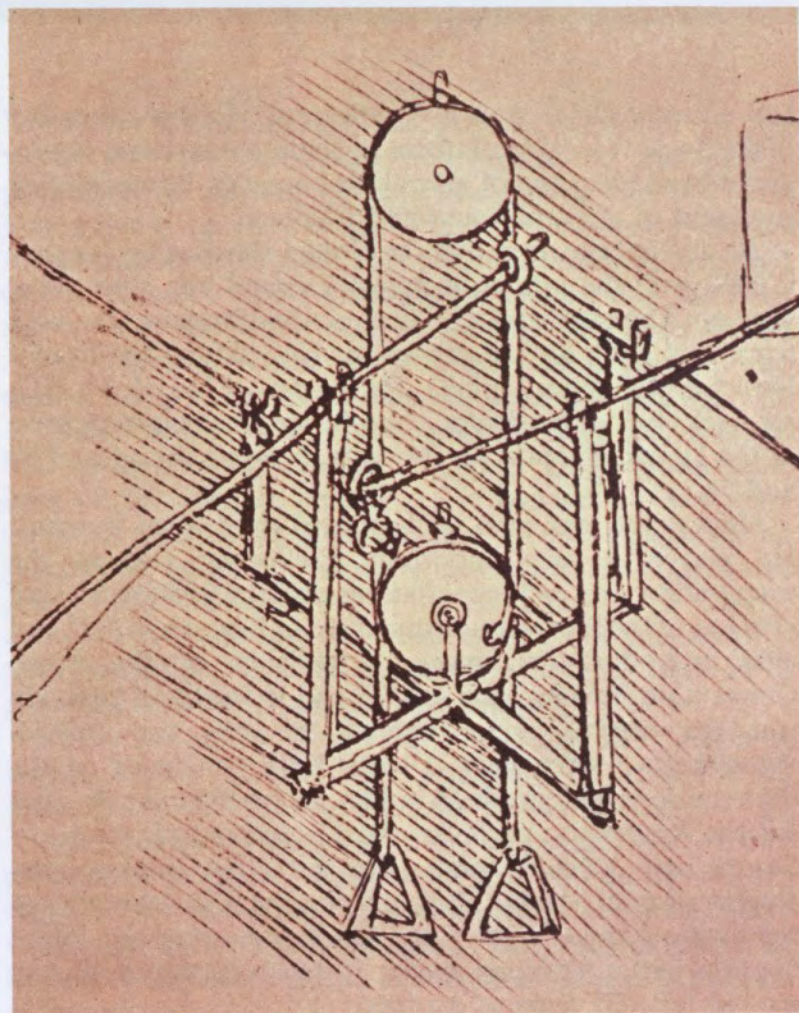
Several of them, before becoming Directors, played an important role in the public life of Switzerland: the first (Morel), was a former president of the Swiss federal parliament; the second (Comtesse), was a former president of the Swiss Confederation; the fourth (Ostertag) was a former president of the highest Swiss federal court. Two came from the ranks of the International Bureau itself: the third Director (Röthlisberger) had been 34 years, and the fifth (Mentha) 24 years, with the International Bureau before they were appointed Directors. The sixth (Secretan), the seventh (Bodenhausen) and the eighth (Bogsch) were private lawyers in their former professional life, two of them (Secretan and Bodenhausen) having been also professors of law, one having been also a government lawyer (Bogsch), and two of them (Secretan and Bogsch) having also worked for other specialized agencies of the United Nations system of organizations.

The Directors General of WIPO, as has been already indicated, are not appointed by the Swiss Federal Council but are elected by the member States in the General Assembly of WIPO.

In the following pages, a few lines will be devoted to each of these eight persons.

*Henri Morel* was born at Claye (near Paris, France) on June 13, 1838, and he died at Bex (Canton of Vaud, Switzerland) on May 18, 1912. He was a citizen of Switzerland.

Morel was a lawyer by profession, was a judge at the tribunal of La Chaux-de-Fonds (Canton of Neuchâtel) and





*Bénigne Mentha* was born at Cortaillod (Canton of Neuchâtel, Switzerland) on January 2, 1888, and he died in Thoune (Canton of Berne, Switzerland) on May 16, 1974.

Mentha was a *licencié en droit* (holder of a law degree) and entered the services of the United Bureaus at the age of 24, as translator, in 1912. He retired after 41 years of service, interrupted once for a short period to be private secretary of Gustave Ador, then president of the Swiss Confederation. In 1922, he became secretary and, in 1938, Deputy Director.

He was appointed Director on May 1, 1938, and retired on May 1, 1953. Thus, he was Director for 15 years, between the ages 50 and 65.

The period was certainly not an easy one: the worldwide recession and the second world war occupied a great part of it.

Mentha was principally a scholar and a specialist in the law of copyright. It was during his tenure that the conference of revision of the Berne Convention of 1948 took place in Brussels. It was also during his tenure that, under the auspices of Unesco, the Universal Copyright Convention was adopted in 1952. The creation of a second multilateral treaty on copyright did not help the development of the Berne Convention. The responsibility is not only that of Mentha, far from it, since the adjustment of the Berne Convention that would have been necessary to save it from losing its unique position in international copyright relations was refused by the most influential among the governments which founded the Berne Convention.

He was “modesty itself” says an article, written by his Deputy Director when he retired (1953 *La Propriété industrielle* 103). “He did not like modern working methods which necessitate frequent trips, unfavorable—in his opinion—for mental concentration without which nothing durable can be created. He preferred the contact of ideas to the contact of persons ...” (*ibid.*).

He was an excellent jurist and the style of his legal writings, whether in French or German, is of an exceptional clarity and elegance. Many articles, mostly unsigned but unmistakably recognizable as his—because of his unique style—prove this in the issues of the periodicals *Le Droit d'auteur* and *La Propriété industrielle* of several decades.

*Jacques Secretan* was born on May 13, 1897, in Etoy (Canton of Vaud, Switzerland), and he died in Dardagny (Canton of Geneva) on July 25, 1964, in the year following that in which he retired from his post as Director.

Secretan was a doctor of laws, attorney-at-law, and a law professor at the University of Lausanne. He served in various capacities in the International Labour Office in Geneva from 1923 to 1940 (*attaché de cabinet* of the Director General, member of the legal staff, legal counsel).

He was appointed Director of the United Bureaus—to which he gave the designation “BIRPI”—on May 1, 1953, and retired on January 15, 1963. Thus, he was Director for almost ten years, between the ages of 58 and 67.

He came to his new post with an extremely solid background and ideas of what a modern intergovernmental organization should be. Although the major event of his tenure, as far as the Paris Convention is concerned, was the conference of revision held in Lisbon in 1958, his main

interest was the modernization of the Unions and their secretariats. He had very clear ideas of what should be done. In a speech given in 1956, he summarized it in the following way: "Three years of experience in the present Union [of Paris] and 30 years of experience in other associations of States have led me to the following conclusions: (a) Intellectual rights—whether in the field of patents and trademarks or in the field of copyright—must enjoy international protection just as much as any other rights mentioned in the Universal Declaration of Human Rights. For this effect, they must benefit from the support of their own and general intergovernmental organization .... (b) Such organization must be given its own jurisdiction—that is, intellectual rights—and organs that can represent it, and can represent the said rights, efficiently in international relations. (c) Finally, the said organization should be part of the great family of the United Nations" (1956 *La Propriété industrielle* 149).

These were prophetic words in 1956, and it took 18 years to accomplish what Secretan proposed. He did not live long enough to see the accomplishment of all his wishes but he certainly took many practical steps that created an atmosphere propitious for carrying out his plans. He concluded working agreements with Unesco, the World Health Organization, the Council of Europe, the Organization of American States and others, which contributed towards placing BIRPI in a legal position similar to that of those organizations. He created and convened various committees consisting of representatives of governments members of the Paris and Berne Unions, which committees, step by step, and *de facto*, started to play the role vis-à-vis BIRPI that hitherto had been played exclusively by the Government of the Swiss Confederation. He persuaded the Swiss federal authorities to authorize the transfer of the seat of BIRPI from Berne to Geneva and persuaded the authorities of Geneva to accept BIRPI on their soil. The transfer took place in 1960. It had obvious practical advantages and had a symbolic value as well: moving into the international city par excellence that Geneva is, moving into a city in which the European headquarters (as it was called then) of the United Nations was and in which five other specialized agencies of the United Nations system of organizations already were could not but favor the realization of Secretan's plans.

His tenure saw also diplomatic conferences other than the one at Lisbon already mentioned. They were the conference of Nice (1957) establishing the International Classification of Goods and Services for the Purposes of the Registration of Marks, the conference of The Hague (1960) completely revising the 1925 (Hague) Agreement for the International Deposit of Industrial Designs, the conference of Rome (1961) establishing the Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, and the conference of Monaco (1961) establishing an Additional Act to the Hague Agreement of 1925.

Secretan was a man of great culture and a man of the world. He liked flamboyance and knew that a great enterprise—in which he was engaged—needed public attention, and that public attention had to be created and cultivated. He travelled much and in style, and was a generous host.



The bronze bust of Secretan, placed in the lobby of the BIRPI Building on March 20, 1983, the date of the centenary of the Paris Convention, bears the following inscription: "*Jacques Secretan, 1897 - 1964, Directeur des BIRPI de 1953 à 1963, Bâtitteur du siège des BIRPI à Genève.*"

*George H.C. Bodenhausen* was born in Utrecht (Holland) on July 11, 1905. He is a national of the Netherlands. He enjoyed good health and was in fine form at the centenary of the Paris Convention.

Bodenhausen studied law in the Netherlands and practiced there as an independent attorney-at-law, specialized in intellectual property from 1930 to 1962. He was also professor at the University of Utrecht, teaching intellectual property law. His specialization in the field of intellectual property and his keen interest also in the international aspects resulted in the Netherlands Government's choosing him to be a delegate at the conference of revision of the Berne Convention held in Brussels in 1948, at the conference of revision of the Paris Convention held in Lisbon in 1958, at the 1960 Hague diplomatic conference for the revision of the Hague Agreement, and at the 1957 Nice diplomatic conference adopting the Nice Agreement, and to head the Netherlands delegation at the diplomatic conference, held in Rome in 1961, that adopted the Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

He was appointed Director of BIRPI on January 16, 1963, and elected Director General—the first Director General—of WIPO on September 22, 1970. He retired from both positions on November 30, 1973. Thus, he was in the service of BIRPI, or in the service of BIRPI and WIPO, for a total of almost eleven years, between the 58th and 69th years of his life.

Those eleven years saw many important events in the lives of the Paris Union and the United International Bureaus of the Paris and Berne Unions and the new International Bureau of WIPO.

The diplomatic conference of 1967 (Stockholm) not only created WIPO but also revised all the treaties then administered by BIRPI. Among those treaties, the Berne Convention was revised not only in respect of its

administrative clauses but also, and profoundly, in respect of its substantive provisions. It was the first revision which introduced special provisions for the benefit of developing countries. Bodenhausen devoted special attention to the part of the Stockholm conference that dealt with the revision of the Berne Convention. The texts agreed upon in Stockholm had to be soon revised again, and the diplomatic conference which accomplished that revision, in Paris in 1971, was also masterminded by Bodenhausen.

Other diplomatic conferences held under his tenure were those of Locarno in 1968, of Washington in 1970, of Strasbourg in 1971, of Geneva in 1971, and of Vienna in 1973, adopting, respectively, the Locarno Agreement Establishing an International Classification for Industrial Designs, the Patent Cooperation Treaty, the Agreement Concerning the International Patent Classification, the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms, and the three Vienna treaties, namely, the Trademark Registration Treaty, the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks and the Vienna Agreement for the Protection of Type Faces and their International Deposit.

It was during his tenure that BIRPI started to organize fellowships and training courses for developing countries. Bodenhausen opened the first such course ever held by the International Bureau. It was a course on copyright and took place at Brazzaville in the Congo in 1963.

During his tenure, 27 developing countries joined the Paris Union. The Soviet Union joined the Paris Union in 1965, after several official visits by Bodenhausen to Moscow and by Soviet representatives to Geneva.

The staff of BIRPI/WIPO also underwent a great change during the tenure of office of Bodenhausen: it grew from 52 to 149 and from comprising employees from six countries to employees from 32 countries. The English language was raised to a level equal to that of French as a working language. The construction of the WIPO Building started in May 1973. Bodenhausen, the professor and scholar, added a *chef d'oeuvre* to the many scientific writings he was author of in his pre-BIRPI life: he wrote, in 1968, his "Guide to the Application of the Paris Convention for the Protection of Industrial Property" which was later translated and published also in French, German, Japanese, Russian and Spanish.

The period called for the respect of solid legal traditions, erudition in the field of all branches of intellectual property law and diplomatic skill. Bodenhausen had all these, and had them to an exceptionally high degree. The International Bureau was extremely fortunate to have at its head the right man at the right time.

*Arpad Bogsch* was born in Budapest on February 24, 1919. He was then a national of Hungary; in 1959, he became a citizen of the United States of America.

Bogsch studied law and obtained law degrees in Budapest, Paris and Washington. He was a practicing lawyer in Budapest and a member of the Washington bar. He was a legal adviser in Unesco (Copyright Division) in Paris from 1948 to 1954 and in the United States Copyright Office in Washington from 1954 to 1962. In 1961 and 1962,



he also worked in – as it was then called – the United States Patent Office.

He was a member of the delegation of Hungary at the conference of revision of the Berne Convention held in Brussels in 1948; he was a member of the delegation of the United States of America at the conference of revision of the Paris Convention held in Lisbon in 1958, at the diplomatic conference of The Hague in 1960 revising the Hague Agreement Concerning the International Deposit of Industrial Designs and at the diplomatic conference of Rome in 1961 adopting the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. He was also a delegate of the United States of America to several BIRPI meetings, and negotiations sponsored by BIRPI, in 1961 and 1962, preparing the reforms that started to be implemented in 1963.

Bogsch joined BIRPI on March 1, 1963. He had the title of special adviser until July 15 of the same year, when he was appointed, by the Federal Council of the Swiss Confederation, Deputy Director of BIRPI. When the WIPO Convention entered into force, he was appointed Deputy Director General of WIPO (on September 22, 1970).

In November 1973, Bogsch was elected Director General of WIPO, a post that he has held since then and, in particular, held on March 20, 1983, the date of the centenary of the Paris Convention.

Since this article was written by him, it is left for others and for other occasions to recall his role as an official of BIRPI and WIPO.

### Relations with WIPO and the United Nations

The first formal relations with the United Nations were relations between that organization and the United International Bureaux for the Protection of Intellectual Property (BIRPI). They were fixed in an exchange of letters effected in September and October 1964 and signed by G.H.C. Bodenhausen, then Director of BIRPI, and Philippe de Seynes, then Under Secretary-General for Economic and Social Affairs of the United Nations. The agreement provided for exchange of information and documentation and mutual representation at meetings (see 1964 *La Propriété industrielle* 210).

Some three years later, the World Intellectual Property Organization (WIPO) was established by a treaty entitled “Convention Establishing the World Intellectual Property Organization” that was adopted and signed in Stockholm on July 14, 1967, and entered into force on April 26, 1970. According to the rules of procedure of the Stockholm Diplomatic Conference, at least four fifths of the members of the Paris Union and at least four fifths of the members of the Berne Union had to vote for the adoption of the WIPO Convention. In fact, they voted unanimously for the adoption of the Convention Establishing WIPO. Thus, in a sense, WIPO is the creation of the Paris and Berne Unions.

The relations between WIPO on the one hand and the Paris and Berne Unions on the other hand are regulated in the WIPO Convention, in the 1967 (Stockholm) Acts of the



Paris and Berne Conventions and in the 1971 (Paris) Act of the Berne Convention.

As far as the Paris Union is concerned, and on the level of governing bodies, those relations are characterized by the fact that all States members of the Assembly of the Paris Union which are members of WIPO are members of the General Assembly of WIPO and that all States members of the Executive Committee of the Paris Union which are members of WIPO are members of the WIPO Coordination Committee (see WIPO Convention, Articles 6(1)(a) and 8(1)(a)).

As to matters of common interest to WIPO and the Unions, the WIPO Convention provides that the WIPO Coordination Committee shall “give advice to the organs of the Unions [including the Assembly of the Paris Union and the Executive Committee of that Assembly], the [WIPO] General Assembly, the [WIPO] Conference, and the Director General [of WIPO], on all administrative, financial and other matters of common interest either to two or more of the Unions, or to one or more of the Unions and the Organization [WIPO], and in particular on the budget of expenses common to the Unions” (WIPO Convention, Article 8(3)(i)), whereas the 1967 (Stockholm) Act of the Paris Convention provides that “with respect to matters which are of interest also to other Unions [other than the Paris Union] administered by the Organization [WIPO], the Assembly [of the Paris Union] shall make its decisions after having heard the advice of the Coordination Committee of the Organization” (Article 13(2)(b)) and that “with respect to matters which are of interest also to other

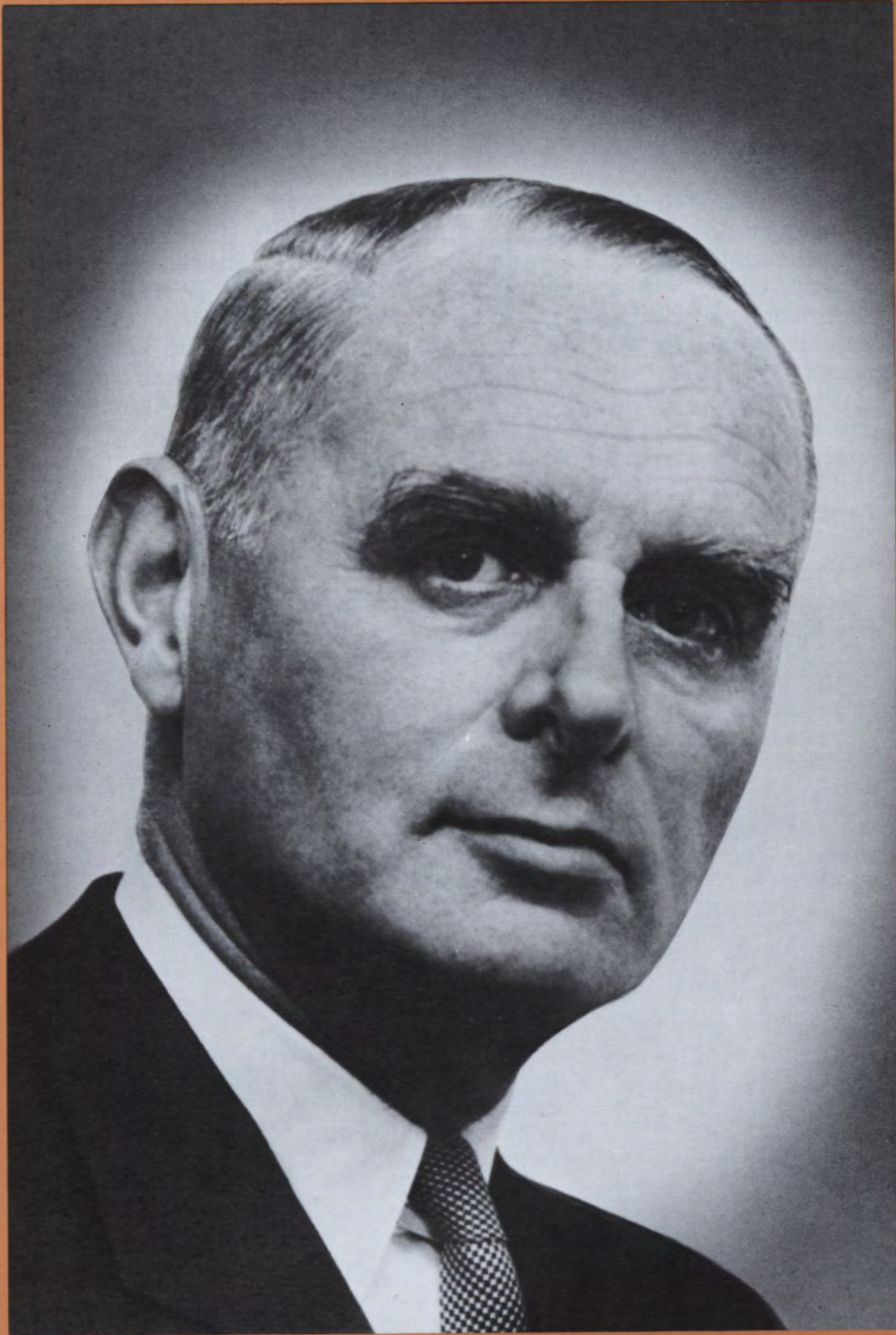
Unions [other than the Paris Union] administered by the Organization [WIPO], the Executive Committee [of the Assembly of the Paris Union] shall make its decisions after having heard the advice of the Coordination Committee of the Organization" (Article 14(6)(b)). Furthermore, "the Executive Committee [of the Assembly of the Paris Union] shall meet once a year in ordinary session upon convocation of the Director General, preferably during the *same period* and at the *same place* as the Coordination Committee of the Organization [WIPO]" (1967 (Stockholm) Act of the Paris Convention, Article 14(7)(a); emphasis added).

On the level of the chief executive and the secretariat, the situation is that "the Director General of the Organization [WIPO] shall be the chief executive of the [Paris] Union and shall represent the [Paris] Union," and that the "administrative tasks concerning the [Paris] Union shall be performed by the International Bureau [of WIPO]" (1967 (Stockholm) Act of the Paris Convention, Article 15(1)(c) and (a), respectively).

There are no direct relations between the United Nations and the Paris Union, except that representatives of the United Nations are invited to sessions of the Assembly of the Paris Union and of the Executive Committee of that

Assembly. But there are indirect relations, through the Director General of WIPO and the International Bureau of WIPO, on the basis of the agreement between the United Nations and WIPO, an agreement that has been in force since December 17, 1974. (Its entry into force was noted in a Protocol dated January 21, 1975, signed by Kurt Waldheim, Secretary General of the United Nations, and Arpad Bogsch, Director General of WIPO.) As a consequence of that agreement, on December 17, 1974, WIPO became a "specialized agency" in the United Nations system of organizations. The agreement "recognizes" WIPO "as a specialized agency and as being responsible for taking appropriate action in accordance with its basic instrument, treaties and agreements administered by it [WIPO], *inter alia*, for promoting creative intellectual activity and for facilitating the transfer of technology related to industrial property in order to accelerate economic, social and cultural development..." (Article 1 of the said Agreement). One of the treaties administered by WIPO to which that Agreement refers, probably the most important among them, is the Paris Convention. Thus the competence of the Paris Union is also recognized by the United Nations.





*George H. C. Bodenhausen, 1963-1973*  
*"The right man at the right time"*