

# INSTITUTE OF PATENTEES & INVENTORS

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## THE 15th. ANNUAL GENERAL ASSEMBLY OF THE INTERNATIONAL FEDERATION OF INVENTORS' ASSOCIATIONS.

The Institute of Patentees and Inventors is extremely delighted to be able to welcome you to the Annual General Assembly.

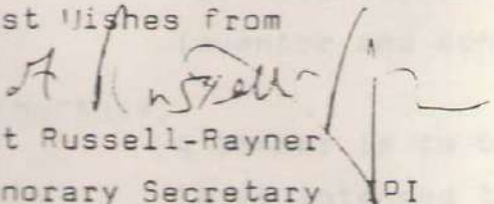
We hope that your stay in London will be enjoyable both in terms of the work it is hoped that we shall be able to carry out at the Assembly and also in the meeting of old and new friends.

Whilst thinking of new friends we extend an especial welcome to our Guests from Yugoslavia on their very first visit to an Assembly and we look forward to seeing them throughout the years to come.

From the papers which Tom Senstad has sent you, you will all have been able to study the background to the Assembly and will be fully prepared for a great deal of hard work.

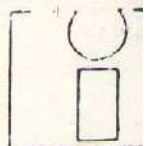
A short programme of general activities or events has been planned and because of the intention to please everybody all of the time certain of the activities will be announced during the period of the Assembly, and the Preparatory Meeting.

Best Wishes from

  
Pat Russell-Rayner

Honorary Secretary

# International Federation of Inventors' Associations



Director General Goran Borggård  
Director Karl Skjodt  
Director Arne Gerhardsen  
Director General Timo Kivi-Koskinen

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Oslo, January 17th, 1981

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Dear friends,

IFIA is aware of the B-group meeting taking place in Munich on May 19th in which most likely the questions concerning the revision of the Paris Convention are going to be discussed in order to arrive at a common stand on the main question.

In this connection we should like to remind you about article 1(2)(b) which IFIA has most at heart. This paragraph deals with the definition of the notion "patent" and appears before the conference in three official versions:

1. The text in accordance with PR/DC/3, page 22:  
"For the purpose of this Convention, patents are titles by virtue of which their holders have .....the exclusive right....."
2. Dr. Boesch's "suggestion" (PR/DC/3, page 25, para 57):  
"For the purpose of this Convention, patents are titles by virtue of which inventors or other holders thereof have .....the exclusive right....."
3. The proposal of IFIA (PR/DC/7, Add 5):  
"For the purpose of this Convention, patents are titles by virtue of which the inventor or his successor in title has .....the exclusive right...."



We have got the understanding of the situation that the four Nordic Government Delegations are willing to go in for the wording proposed by IFIA, but the attitude of the other members of the B-group is rather negative. We therefore find it appropriate, referring to the enclosed statement of February 14th, 1980, to bring forward the following additional considerations concerning IFIA's proposal.

The proposal founded on the fact that any invention must originate in - be created by - one human brain, with other words that it is inconsistent to state in the text of a law that an invention could "substantiate on the hand of the company".

Herefrom can be deduced - in Conformity with Scandinavian legal sense of justice and in accordance with the Human Rights convention of the United Nations (1976) article 15 - that the right to an invention is originating in the hand of the inventor.

Consequently when the patent owner is a person other than the inventor himself, this person or company must have derived his rights from the inventor by law or contract or by transfer. This wording is in fact a Quotation from the Israeli patent law (No. 5727-1967) chapter I, Interpretation, where it reads as follows:

"Owner of an invention" means the inventor or a person deriving title under him, that is to say, a person entitled to the invention by law or by transfer or by agreement."

We consequently hope that the B-group in concert will accept and go in for IFIA's wording of article 1(2)(b)).

It should be added that IFIA does find unacceptable both Dr.Boesch's "suggestion", and even more the "compromise" of later date. The text proposed in PR/DC/3 page 22 has at least the pure factor that it is neutral in relation to the inventor question.

Should so happen that the Nordic countries are not finding response in the B-group, one must expect that the four Nordic delegations will have the opportunity, on their own to advance IFIA's proposed wording of article 1(2)(b) at the Diplomatic Conference.

It is to be recalled that the question of article 1(2)(b) does not contain aspects of general disagreement between the three groups at the Conference. The criticism being forwarded against the proposal of IFIA, in our understanding been based on an questionable wording in the French patent law stating that "(the invention) may originate on the hand of the company."

Should this in fact be contained in the French law, IFIA finds it unreasonable that one could defend such a wording which has its roots in an antiquated and unrealistic world of thoughts, accepting it to be dominating relativ to the need of an adequate wording of the basic patent law, - the Paris Convention.

A request for an unanimous action by the B-group in this question would therefore, in our opinion, be inconceivable.

Yours faithfully

Leif Nordstand