

## QUESTION 35

### Method and preparation of a study on the unification of laws on patents for inventions

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Yearbook 1960, New Series No. 10, 2nd Part, 63rd Year, pages 19 - 20  
24th Congress of London, May 30 - June 4, 1960

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### Method and preparation of a study on the unification of laws on patents for inventions

#### Resolution

The Congress resolves to proceed with a study with a view to seeking uniform and generally acceptable provisions governing patents.

The Congress resolves that this study shall be carried out under the following conditions:

1. The study shall first be directed to the question of determination of patentable inventions or the conditions of patentability, that is to say, to the following points:
  - i) definition of patentability (purpose sought by the patent);
  - ii) the condition of novelty:
    - a) absolute or relative novelty,
    - b) facts constituting prior art,
    - c) disclosure by the inventor;
  - iii) other conditions of patentability:
    - a) industrial utility,
    - b) degree of invention
    - c) technical advance
  - iv) Unpatentable inventions;
    - a) chemical products
    - b) pharmaceutical products
    - c) food products,
    - d) vegetable novelties.
2. Each group is invited to present on the points enumerated above the main features of its country's national law and the reforms which the country wishes to adopt or is prepared to accept.

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## **QUESTION 35**

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25th Congress of Berlin, June 3 - 8, 1963

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#### **Study on the unification of patent laws**

##### **Resolution**

The Congress, with the object of achieving harmonisation of patent laws, adopts the following resolution:

I. Protection by patent aims at granting an inventor, for a limited period, an exclusive right to his invention.

This grant of an exclusive right is justified:

- by the general interest which requires the publication of inventions
- in the interest of progress
- by the reward due to the inventor.

II. 1. In principle, all inventions which can be used in the field of industry are capable of being protected by the grant of a patent.

This is the case, in particular, with processes, machines, industrial products, substances, varieties of plants.

2. An invention is patentable provided:

a) It is capable of being applied industrially.

By „Capable of being applied industrially“ is meant an invention the embodiment of which can be manufactured or used in any of the industries defined in Article 1 (3) of the Union Convention (which includes agriculture).

b) It is novel.

An invention is regarded as devoid of novelty when it is contained in the prior art.

The prior art comprises all that has been accessible to the public prior to the date of filing of a national application or of a foreign application on which a priority is based, through a written or oral description, through use or in any other manner.

It is emphasised that formal proof must be required as to the contents and the date of an oral disclosure.

c) It constitutes an invention.

For example, there cannot be invention if the subject of the patent is obviously having regard to the state of the art.

III. A patent application must contain, in addition to the description and any drawings which are necessary, one or more claims defining the subject of the protection applied for. The scope of the protection conferred by a patent is determined by the contents of the claims. However, the description and the drawings shall serve to interpret the claims. The claims are to be construed independently of one another as regards validity.

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