



BR/GT IV/51 e/72

Travaux Préparatoires CBE 1973

INTER-GOVERNMENTAL CONFERENCE
FOR THE SETTING UP OF A EUROPEAN
SYSTEM FOR THE GRANT OF PATENTS

Brussels, 15 February 1972
BR/GT IV/51/72

- Secretariat -

N O T E

Subject: Comments on the Note dated 16 June 1971 (BR/GT IV/42/71),
by the Chairman of Working Party IV

Submitted by: The French delegation

BR/GT IV/51 e/72 ley/PB/gc

O P I N I O N

of the French delegation
regarding the Note dated 16 June 1971 (BR/GT IV/42/71),
by the Chairman of Working Party IV

The French delegation wishes to make the following comments on the Note by the Chairman of Working Party IV:

- 5.- The French delegation considers that the rate of interest to be adopted for payment to the Contracting States on their special contributions pursuant to Article 44 (42c), paragraph 5, should be nominal, and it consequently proposes a standard rate of 1% to be applicable to all the Contracting States.
- 6.- The delegation agrees to the principle that an entry fee should be required of States acceding to the Convention after its entry into force, in view of the financial outlay incurred by the initial Contracting States.

Such an entry fee should of course be adapted to correspond to the financial position of each new Contracting State, and this makes it difficult to fix its rate in advance in terms of absolute value.

It would seem that this difficulty could be overcome by referring to the sum that the State in question would be obliged to pay in special contributions. A system could then be adopted whereby the entry fee to be required of a State acceding to the Convention after its entry into force would be "equal to the sum of the special contribution

required of such State pursuant to Article 44, paragraph 2, in respect of the first accounting period following its accession".

It would however be made clear that the entry fee was to be neither repayable nor interest-bearing, but was merely to constitute one of the special resources of the budget during the accounting period in question.

States ceasing to be parties to the Convention should normally continue to be obliged to pay the European Patent Office their portion of the national renewal fees received by them in respect of patents previously granted with effect in these States, and this should apply until the rights deriving from such patents expired.

The special contributions paid by States ceasing to be parties to the Convention should be refunded on the same terms and on the same dates as those applicable to the States remaining parties to the Convention.

7.- The French delegation agrees with the proposals put forward by the Chairman of Working Party IV.

However, the second meeting could well turn out to be superfluous should its sole purpose be to make amendments of substance.
