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Doc. 623
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Draft Agreement between the Council of Europe and the Combined International Bureaux for the protection of industrial property and of literary and artistic works

Report[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Henri ROLIN, Belgium, Socialist Group

1. 1957 - 9th Session - First part

A. Draft Opinion - submitted on behalf of the Committee on Legal and Administrative Questions 2

The Assembly,

Having been consulted by the Committee of Ministers on a draft Agreement between the Council of Europe and the Combined International Bureaux for the protection of industrial property and of literary and artistic works (Doc. 591);

Having taken note of the report of the Committee on Legal and Administrative Questions (Doc. 623),

Expresses a favourable opinion on the draft Agreement between the Council of Europe and the Combined International Bureaux.

B. Explanatory Memorandum by M. ROLIN

1.

On 8th January 1957, the Assembly referred to the Committee on Legal and Administrative Questions a request by the Commitee of Ministers for an Opinion an a draft Agreement between the Council of Europe and the Combined International Bureaux for the protection of industrial property and of literary and artistic works.

The Committee on Legal and Administrative Questions examined this draft Agreement at a meeting on 7th February 1957, and approved it unanimously less one abstention.

The Committee considered that the draft Agreement would help to avoid duplication of competence and activities between the two organisations in a technical field, inasmuch as it acknowledged the priority of the work carried on at world level to protect industrial, artistic and literary property, while it reserved the possibility of making progress at regional level if and when difficulties were encountered in the wider sphere.

In the light of this interpretation, the Committee felt that the words " If the Combined International Bureaux are... unwilling to comply with such a request " in Article 2, paragraph 2, should be taken to mean that the Committee of Ministers can retain for consideration by the Council of Europe not only any question which the Combined International Bureaux would not agree to examine, but also those which they appeared, in fact, unlikely to be able to consider as expeditiously as might be desired.

One member of the Committee took the view that the draft Agreement was too prolix, contained too many articles and attempted to provide for too many eventualities. As the agendas of the Conferences of the Combined International Bureaux were very full, he thought it was perhaps not desirable to authorise the Council of Europe to propose the inclusion of additional questions which would inevitably require much preparatory work. He agreed, however, that it would be unwise at this stage to ask for the text of the draft agreement to be modified.