

## PROTECTION OF INDUSTRIAL PROPERTY

*Convention signed at The Hague November 6, 1925*

*Senate advice and consent to ratification December 16, 1930*

*Ratified by the President of the United States December 27, 1930*

*Ratification of the United States deposited at Bern January 22, 1931*

*Notification of United States deposit given by Switzerland to other parties February 6, 1931*

*Entered into force June 1, 1928; for the United States March 6, 1931*

*Proclaimed by the President of the United States March 6, 1931*

*Replaced by conventions of June 2, 1934,<sup>1</sup> and October 31, 1958,<sup>2</sup> as between contracting parties to the later conventions<sup>3</sup>*

47 Stat. 1789; Treaty Series 834

[TRANSLATION]

CONVENTION OF UNION OF PARIS OF MARCH 20, 1883, FOR THE PROTECTION OF INDUSTRIAL PROPERTY REVISED AT BRUSSELS DECEMBER 14, 1900, AT WASHINGTON JUNE 2, 1911, AND AT THE HAGUE NOVEMBER 6, 1925

The President of the German Reich; the President of the Republic of Austria; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; His Majesty the King of Spain; the President of the Republic of Estonia; the President of the United States of America; the President of the Republic of Finland; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Serene Highness the Governor of Hungary; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Majesty the Sultan of Morocco; the President of the United Mexican States;

<sup>1</sup> TS 941, *post*, vol. 3.

<sup>2</sup> 13 UST 1; TIAS 4931.

<sup>3</sup> The Stockholm Act of the Paris Convention for the Protection of Industrial Property was signed July 14, 1967, by 39 countries, including the United States; it was not in force as of Jan. 1, 1969. The act replaces the 1883 convention, as revised, as regards the relations between the countries to which it applies and to the extent that it applies.

His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Polish Republic, in the name of Poland and the Free City of Danzig; the President of the Portuguese Republic; His Majesty the King of the Serbs, Croats and Slovenes; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; the States of Syria and Greater Lebanon; the President of the Czechoslovak Republic; His Highness the Bey of Tunis; the President of the Turkish Republic,

Having deemed it expedient to make certain modifications and additions in the international convention of March 20, 1883,<sup>4</sup> for the creation of an international union for the protection of industrial property, revised at Brussels on December 14, 1900,<sup>5</sup> and at Washington on June 2, 1911,<sup>6</sup> have appointed as their plenipotentiaries, to wit:

The President of the German Reich:

Mr. W. F. von Vietinghoff, Counselor of the German Legation at The Hague;  
Mr. von Specht, Privy Councilor, President of the Patent Office;  
Mr. Klauer, Ministerial Councilor at the Ministry of Justice;  
Prof. Dr. Albert Osterrieth, Counselor of Justice;

The President of the Republic of Austria:

Dr. Carl Duschanek, Ministerial Councilor, Vice President of the Austrian Patent Office;  
Dr. Hans Fortwängler, Ministerial Councilor at that Office;

His Majesty the King of the Belgians:

Mr. Octave Mavaut, Director General of Industry at the Ministry of Industry, Labor, and Social Service;  
Mr. Albert Capitaine, Advocate at the Liége Court of Appeal, former President of the Bar, Belgian Delegate at the Washington Conference;  
Mr. Louis André, Advocate at the Brussels Court of Appeal;  
Mr. Thomas Braun, Advocate at the Brussels Court of Appeal;  
Mr. Daniel Coppeters, Advocate at the Brussels Court of Appeal;

The President of the United States of Brazil:

Dr. Julio Augusto Barboza Carneiro, Member of the Economic Committee of the League of Nations;  
Prof. Dr. Carlos Americo Barbosa de Oliveira, Professor at the Polytechnic School, Director of the Wenceslau Braz Normal School of Arts and Crafts;

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<sup>4</sup> TS 379, *ante*, vol. 1, p. 80.

<sup>5</sup> TS 411, *ante*, vol. 1, p. 296.

<sup>6</sup> TS 579, *ante*, vol. 1, p. 791.

**The President of the Republic of Cuba :**

Dr. Raphael Martinez Ortiz, Envoy Extraordinary and Minister Plenipotentiary of Cuba at Paris;

Dr. Raphael de la Torre, Chargé d'Affaires of Cuba at The Hague;

**His Majesty the King of Denmark :**

Dr. N. J. Ehrenreich Hansen, Assistant Bureau Chief at the Ministry of Industry, Commerce, and Navigation;

**The President of the Dominican Republic :**

Mr. C. G. de Haseth Cz., Consul of the Dominican Republic at The Hague;

**His Majesty the King of Spain :**

His Excellency Mr. Santiago Mendez de Vigo, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Spain at The Hague:

Mr. Fernando Cabello y Lapiedra, Chief of the Spanish Bureau of Industrial and Commercial Property;

Mr. José Garcia-Monge y de Vera, Secretary of the Spanish Bureau of Industrial and Commercial Property;

**The President of the Republic of Estonia :**

Mr. O. Aarmann, Engineer, Director of the Patent Office;

**The President of the United States of America :**

Mr. Thomas E. Robertson, Commissioner of Patents, Member of the Bar of the Supreme Court of the United States;

Mr. Wallace R. Lane, former President of the American and Chicago Patent Law Associations, Member of the Bar of the Supreme Court of the United States and the Supreme Court of Illinois;

Mr. Jo. Baily Brown, Pittsburgh, Member of the Bar of the Supreme Court of the United States and the Supreme Court of Pennsylvania;

**The President of the Republic of Finland :**

Mr. Yrjö Saastamoinen, Chargé d'Affaires of Finland at The Hague;

**The President of the French Republic :**

His Excellency Mr. Chassain de Marcilly, Envoy Extraordinary and Minister Plenipotentiary of France at The Hague;

Mr. Marcel Plaisant, Deputy, Advocate at the Paris Court of Appeal;

Mr. Charles Drouets, Director of Industrial Property at the Ministry of Commerce;

Mr. Georges Maillard, Advocate at the Paris Court of Appeal, Vice President of the Technical Committee on Industrial Property;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland:

Sir Hubert Llewellyn Smith, G.C.B., Chief Economic Adviser to His Britannic Majesty's Government;

Mr. Alfred James Martin, O.E.B., Assistant Comptroller of the Patent Office and Industrial Property Department of the Board of Trade;

Sir Arthur Balfour, K.B.E., one of His Majesty's Justices of the Peace; Chairman of the Committee on Trade and Industry;

For the Dominion of Canada:

Mr. Frederick Herbert Palmer, M.C., Canadian Government Trade Commissioner;

For the Commonwealth of Australia:

Lieut. Col. Charles Vincent Watson, D.S.O., V.D., Commissioner of Patents and Registrar of Trade Marks and Designs;

For the Irish Free State:

Count Gerald O'Kelly de Gallagh, Representative of the Irish Free State;

His Serene Highness the Governor of Hungary:

Mr. Elemér de Pompéry, President of the Court of Patents;

His Majesty the King of Italy:

Mr. Domenico Barone, Councilor of State;

Mr. Gustavo de Sanctis, Director of the Bureau of Industrial Property;

Mr. Letterio Labocchetta, Engineer;

Mr. Gino Olivetti, Deputy, Secretary General of the Confederation of Italian Industry;

Prof. Mario Ghiron, Professor of Industrial Law at the University of Rome;

His Majesty the Emperor of Japan:

Mr. Saichiro Sakikawa, President of the Patent Office;

Mr. Nobumbi Ito;

His Majesty the Sultan of Morocco:

His Excellency Mr. Chassain de Marcilly, Envoy Extraordinary and Minister Plenipotentiary of France at The Hague;

The President of the United Mexican States:

Mr. Julio Poulat, Commercial Attaché to the Mexican Legation at Paris;

His Majesty the King of Norway:

Mr. Birger Gabriel Wyller, Director General of the Norwegian Bureau of Industrial Property;

Her Majesty the Queen of the Netherlands:

Dr. J. Alingh Prins, President of the Council for Patents, Director of the Office of Industrial Property;

Dr. H. Bijleveld, former Minister, Member of the Chamber of Deputies, former President of the Council for Patents, former Director of the Office of Industrial Property;

Dr. J. W. Dijkmeester, Member of the Council for Patents;

The President of the Polish Republic:

For Poland:

His Excellency Dr. Stanislas Kozminski, Envoy Extraordinary and Minister Plenipotentiary of Poland at The Hague;

Dr. Frédéric Zoll, Professor at the University of Cracow;

For the Free City of Danzig:

His Excellency Dr. Stanislas Kozminski, Envoy Extraordinary and Minister Plenipotentiary of Poland at The Hague;

The President of the Portuguese Republic:

His Excellency Mr. A. C. De Sousa Santos Bandeira, Envoy Extraordinary and Minister Plenipotentiary of Portugal at The Hague;

His Majesty the King of the Serbs, Croats and Slovenes:

Dr. Yanko Choumane, President of the Office for the Protection of Industrial Property at the Ministry of Commerce and Industry;

Mr. Mihailo Preditch, Secretary of that Office;

His Majesty the King of Sweden:

Director General E. O. J. Björklund, Chief of the Administration of Patents and Registration;

Mr. K. H. R. Hjertén, Counselor of the Court of Appeal of Göta;

Mr. A. E. Hasselrot, former Bureau Director at the above Administration, Adviser in matters of industrial property;

The Federal Council of the Swiss Confederation:

His Excellency Mr. Arthur de Pury, Envoy Extraordinary and Minister Plenipotentiary of Switzerland at The Hague;

Mr. Walther Kraft, Director of the Federal Bureau of Intellectual Property;

The President of the French Republic:

For the States of Syria and Greater Lebanon:

His Excellency Mr. Chassain de Marcilly, Envoy Extraordinary and Minister Plenipotentiary of France at The Hague;

The President of the Czechoslovak Republic:

His Excellency Mr. P. Baráček, Engineer, Envoy Extraordinary and Minister Plenipotentiary of Czechoslovakia at The Hague;

Dr. Karel Hermann-Otavský, Professor at the University of Prague;  
Mr. Bohuslav Pavlousek, Engineer, Vice President of the Patent Office  
at Prague;

His Highness the Bey of Tunis:

His Excellency Mr. Chassain de Marcilly, Envoy Extraordinary and  
Minister Plenipotentiary of France at The Hague;

The President of the Turkish Republic:

Mehmed Essad Bey, Chargé d'Affaires of Turkey at The Hague.

Who, having communicated to each other their respective full powers,  
which were found to be in good and due form, have agreed upon the  
following articles:

#### ARTICLE 1

The contracting countries constitute themselves into a union for the protection of industrial property.

The scope of the protection of industrial property includes patents, utility models, industrial designs and models, trade-marks, commercial names and indications of origin, or appellations of origin, as well as the repression of unfair competition.

Industrial property is to be understood in the broadest meaning and is to be applied not only to industry and commerce as such, but likewise to agricultural industries (wines, grain, tobacco leaves, fruit, cattle, etc.) and extractive industries (minerals, mineral waters, etc.).

The term "patents" includes the various types of industrial patents granted by the laws of the contracting countries, such as patents of importation, improvement patents, patents and certificates of addition, etc.

#### ARTICLE 2

Nationals of each of the contracting countries shall, in all other countries of the Union, as regards the protection of industrial property, enjoy the advantages that their respective laws now grant, or may hereafter grant, to their own nationals, without any prejudice of the rights specially provided by the present convention. Consequently they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed on subjects or citizens.

Nevertheless no condition as to the possession of a domicile or establishment in the country where protection is claimed can be required of those who enjoy the benefits of the Union for the enjoyment of any industrial-property rights.

The provisions of the legislation of each of the contracting countries relative to judicial and administrative proceedings and to competent authority,

as well as to the choice of domicile or the appointment of an authorized agent, which may be required by the laws on industrial property are expressly reserved.

### ARTICLE 3

Nationals of countries not forming part of the Union who are domiciled or who have real and effective industrial or commercial establishments in the territory of any of the countries of the Union, shall be assimilated to the nationals of the contracting countries.

### ARTICLE 4

(a) Any person who has duly applied for a patent, the registration of a utility model, industrial design or model, or trade-mark in one of the contracting countries, or his legal representative or assignee, shall enjoy, subject to the rights of third parties, for the purposes of registration in other countries, a right of priority during the periods hereinafter stated.

(b) Consequently, subsequent filing in any of the other countries of the Union before the expiration of these periods shall not be invalidated through any acts accomplished in the interval, either, particularly, by another filing, by publication of the invention, or by the working of it, by the sale of copies of the design or model, or by use of the trade-mark.

(c) The above-mentioned periods of priority shall be twelve months for patents and utility models, and six months for industrial designs and models and trade-marks.

These periods shall start from the date of filing of the first application in a country of the Union; the day of filing is not counted in this period.

If the last day of the period is a *dies non* in the country where protection is claimed, the period shall be extended until the next working day.

(d) Any person desiring to take advantage of the priority of a previous application must make a declaration giving particulars as to the date of such application and the country in which it was made. Each country will determine for itself the latest date at which such declaration must be made.

The particulars referred to shall be stated in the publications issued by the competent authority, and in particular in the patents issued and the specifications relating thereto.

The contracting countries may require any person making a declaration of priority to produce a copy of the application (with the specification, drawings, etc.) previously made. The copy, certified as correct by the authority receiving this demand, shall not require any legal authentication, and in any circumstances can be filed at any time within the period of three months from the lodging of the last application. They may also require that the declaration shall be accompanied by a certificate by the proper authority showing the date of application, and also by a translation.

No other formalities may be required for the declaration of priority at the time of application. Each of the contracting countries shall decide for itself what consequences shall follow the omission of the formalities prescribed by the present article, but such consequence shall in no case be more serious than the loss of the right of priority.

At later stages, further proof in support of the application may be required.

(*e*) Where an application is filed in a country for the registration of an industrial design or model by virtue of a right of priority based on the registration of a utility model, the period of priority shall not exceed that fixed for industrial designs and models.

Furthermore, it is allowable to deposit in a country a utility model by virtue of rights of priority based on a patent application, and vice versa.

(*f*) If an application for a patent contains claims for multiple priority, or if examination discloses that the application contains more than one invention, the competent authorities must at least allow the applicant to divide it, subject to the conditions of internal legislation, reserving as date of each divisional application the date of the initial application and, if there is occasion for it, the benefits of the right of priority.

#### ARTICLE 4 *bis*

Patents applied for in the various contracting countries by nationals of the Union shall be independent of the patents obtained for the same invention in other countries, whether such countries be or be not parties to the Union.

This stipulation must receive a strict interpretation; in particular, it shall be understood to mean that patents applied for during the period of priority are independent, both as regards the grounds for refusal and for revocation, and also as regards their normal duration.

This stipulation shall apply to all patents already existing at the time when it shall come into effect.

The same stipulation shall apply, in the case of the accession of new countries, to patents in existence, either on one side or the other, at the time of accession.

#### ARTICLE 5

The introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the countries of the Union shall not entail forfeiture.

Nevertheless, each of the contracting countries shall have the right to take the necessary legislative measures to prevent the abuses which might result from the exercise of the exclusive rights conferred by the patent; for example, failure to use.

These measures will only provide for the revocation of the patent if the granting of compulsory licenses shall not suffice to prevent such abuses.

In all cases the patent will not be subject to such measures before the expiration of at least three years from the date of its grant and if the patentee produces just excuses.

The protection of designs and industrial models cannot be liable to cancellation by reason of the introduction of objects corresponding to those protected.

Articles shall not be required to bear any indication of registration for recognition of this right.

If in a country the use of a registered trade-mark is compulsory, the registration cannot be canceled until after a reasonable period, and only then if those interested cannot justify the causes of their inaction.

#### ARTICLE 5 *bis*

A period of grace of at least three months will be granted for the payment of taxes prescribed for the maintenance of industrial-property rights, together with a surcharge if the internal legislation of a country so provides.

For patents of invention the contracting countries undertake moreover either to prolong that extended period to six months at least, or to provide for the restoration of a patent which has lapsed owing to the nonpayment of fees, it being understood that these provisions are subject to the conditions prescribed by internal legislation.

#### ARTICLE 5 *ter*

In each of the contracting countries the following shall not be considered as infringing the rights of the patentee :

(1) The use on board ships of other countries of the Union of anything the subject matter of his patent in the body of the ship, in the machinery, tackle, apparatus, and other accessories when such ships enter temporarily or accidentally the waters of the country, provided that such thing is employed there exclusively for the needs of the vessel.

(2) The use of anything the subject matter of the patent in the construction of or functioning of the engines of locomotion for air or land of the other countries of the Union, or the accessories of these engines, when these enter the country temporarily or accidentally.

#### ARTICLE 6

Every trade-mark duly registered in the country of origin shall be admitted for registration and protected in the form originally registered in the other countries of the Union.

Nevertheless, the following marks may be refused or canceled :

(1) Those which are of such a nature as to prejudice rights acquired by third parties in the country in which protection is applied for.

(2) Those which have no distinctive character, or which consist exclusively of signs or indications which serve in trade to designate the kind, quality, quantity, destination, value, place of origin, or date of production, or which have become customary in the current language, or in the bona fide and unquestioned usages of the trade of the country in which protection is sought.

In arriving at a decision as to the distinctiveness of the character of a mark, all the circumstances of the case must be taken into account, and in particular the length of time that such a mark has been in use.

(3) Those which are contrary to morality or public order.

It is to be understood that a mark cannot be considered as contrary to public order for the sole reason that it does not conform to some legislative requirement concerning trade-marks, except in circumstances where this requirement itself relates to public order.

The following shall be deemed the country of origin:

The country of the Union where the applicant has an actual and genuine industrial or commercial establishment; and if he has not such an establishment, the country of the Union where he has his domicile; and if he has not a domicile in the Union, the country of his nationality in the case where he is under the jurisdiction of a country of the Union.

In no case shall the renewal of the registration of a trade-mark in the country of origin involve the obligation of renewal of the registration of the mark in other countries of the Union in which the mark has been registered.

The benefits of priority shall subsist in trade-mark applications filed in the period allowed by article 4, even when the registration in the country of origin is only completed after the expiration of such period.

The provisions of paragraph 1 do not preclude the right of requiring from an applicant a certificate, in due form, as to the registration of his mark, issued by the competent authority of the country of origin, but no legal authentication of such certificate shall be required.

#### ARTICLE 6 *bis*

The contracting countries undertake to refuse or invalidate, either administratively if their legislation so permits, or at the request of an interested party, the registration of a trade-mark which constitutes a reproduction or imitation liable to create confusion with a trade-mark considered by the competent authority of the country of registration to be well known there as being already a mark of a national of another contracting country and used for products of the same or a similar kind.

A period of at least three years must be granted in order to claim the cancellation of these marks. The period shall start from the date of registration of the mark.

No period shall be established to claim the cancellation of fraudulently registered marks.

ARTICLE 6 *ter*

The contracting countries undertake to refuse or invalidate registration, and to prohibit by appropriate means the use, failing authorization from the competent authority, whether as trade-mark or as components of such, of all coats of arms, flags, and other state emblems of contracting countries, official control and guarantee signs and stamps adopted by them, and all imitation from an heraldic point of view.

The prohibition of official control and guarantee signs and stamps shall apply only in cases where marks which comprise them are intended to be used on merchandise of the same or a similar nature.

For the application of these provisions the contracting countries agree to communicate reciprocally, through the intermediary of the International Bureau of Bern, the list of state emblems and official control and guarantee signs and stamps which they desire, or will desire, to place, wholly or with certain reservations, under the protection of the present article, as well as all subsequent modifications added to the list. Each contracting country shall place the communicated list at the disposal of the public in due course.

Each contracting country may, within a period of twelve months from the receipt of the notification, and through the intermediary of the International Bureau of Bern, transmit its possible objections to any other country concerned.

For state emblems which are well known the provisions of paragraph 1 shall be applicable only to marks registered after the signature of this convention.

For state emblems which are not well known, and for official signs and stamps, these provisions shall be applicable only to marks registered more than two months after the receipt of the notification provided for in paragraph 3.

In the case of bad faith, countries shall have the right to cancel even the marks registered before the signature of the present convention and embodying state emblems, signs, and stamps.

Nationals of each country who are authorized to make use of state emblems, and signs and stamps of their country, may use them even if there be a similarity with those of another country.

The contracting countries undertake to prohibit the unauthorized use in trade of state coats of arms of other contracting countries when such use would be liable to cause confusion as to the origin of the product.

The preceding provisions will not prevent the countries' exercising the right to refuse or to invalidate, by the application of No. 3 of paragraph 2 of article 6, marks containing without authority coats of arms, flags, decorations, and other state emblems or official signs and stamps adopted by a country of the Union.

## ARTICLE 7

The nature of the goods on which the trade-mark is to be used can in no case form an obstacle to the registration of the trade-mark.

ARTICLE 7 *bis*

The contracting countries undertake to allow the filing of, and to protect, trade-marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment.

Nevertheless, each country shall be the sole judge of the particular conditions on which an association may be allowed to obtain protection for its marks.

## ARTICLE 8

A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it form part of a trade-mark.

## ARTICLE 9

All goods illegally bearing a trade-mark or trade name shall be seized on importation into those countries of the Union where this mark or name has a right to legal protection.

Seizure shall be effected equally in the country where the mark or name was illegally applied, or in the country to which the article bearing it has been imported.

The seizure shall take place at the request either of the proper Government department or of any other competent authority, or of any interested party or actual or legal person, in conformity with the domestic law of each country.

The authorities are not bound to effect the seizure in transit.

If the law of a country does not admit of seizure on importation, such seizure shall be replaced by prohibition of importation or by seizure within such country.

If the law of any country does not admit either of seizure upon importation, or of prohibition of importation, or of seizure within the country, and until such time as this legislation shall be accordingly modified, these measures will be replaced by the remedies assured in such cases to nationals by the law of such country.

## ARTICLE 10

The stipulations of the preceding article shall be applicable to every product which may falsely bear as indication of origin the name of a specified locality or country when such indication shall be joined to a trade name of a fictitious character or used with the intent to defraud.

Any producer, manufacturer, or trader engaged in the production, manufacture, or trade of such goods and established either in the locality falsely

designated as the place of origin, or in the district where the locality is situated, or in the country falsely designated, shall be deemed in all cases a party concerned, whether such person be actual or legal.

#### ARTICLE 10 *bis*

The contracting countries are bound to assure to nationals of the Union an effective protection against unfair competition.

Every act of competition contrary to honest practice in industrial or commercial matters constitutes an act of unfair competition.

The following particularly are to be forbidden:

(1) All acts whatsoever of a nature to create confusion by no matter what means with the goods of a competitor.

(2) False allegations, in the course of trade, of a nature to discredit the goods of a competitor.

#### ARTICLE 10 *ter*

The contracting countries undertake to assure to the nationals of other countries of the Union appropriate legal remedies to repress effectively all acts set forth in articles 9, 10, and 10 *bis*.

They undertake, moreover, to provide measures to permit syndicates and associations representing the industry or the trade interested, and of which the existence is not contrary to the laws of their country, to take action in justice or before the administrative authorities, in view of the repression of the acts set forth in articles 9, 10, and 10 *bis*, so far as the law of the country in which protection is claimed permits it to the syndicates and associations of that country.

#### ARTICLE 11

The contracting countries shall, in conformity with the legislation of each country, accord temporary protection to patentable inventions, to utility models, and to industrial designs or models, as well as to trade-marks in respect of products which shall be exhibited at official, or officially recognized, international exhibitions held in the territory of one of them.

This temporary protection shall not prolong the periods provided by article 4. If later the right of priority is sought, the competent authority of each country may date the period from the date of the introduction of the product into the exhibition.

Each country may require, as proof of the identity of the object exhibited, and of the date of the introduction, such proofs as it may consider necessary.

#### ARTICLE 12

Each of the contracting countries agrees to establish a special Government service for industrial property, and a central office for communication to the

public of patents, utility models, industrial designs or models, and trade-marks. This service shall publish an official periodical paper.

### ARTICLE 13

The international office, established at Berne under the name of International Bureau for the Protection of Industrial Property, is placed under the high authority of the Government of the Swiss Confederation, which is to regulate its organization and supervise its working.

The official language of the International Bureau is French.

The International Bureau centralizes information of every kind relating to the protection of industrial property and collates and publishes it. It interests itself in all matters of common utility to the Union and edits, with the help of documents supplied to it by the various Administrations, a periodical paper in the French language, dealing with questions regarding the object of the Union.

The numbers of this paper, as well as the documents published by the International Bureau, are circulated among the Administrations of the countries of the Union in the proportion of the number of contributing units as mentioned below. Such further copies as may be desired, either by the said Administrations or by societies or private persons, will be paid for separately.

The International Bureau shall at all times hold itself at the service of members of the Union, in order to supply them with any special information they may need on questions relating to the international system of industrial property. The Director of the International Bureau will furnish an annual report on its working, which shall be communicated to all the members of the Union.

The expenses of the International Bureau will be borne by the contracting countries in common. Unless fresh sanction is given, they must not exceed the sum of 120,000 Swiss francs per annum. This sum may be increased in cases of necessity by a unanimous decision of one of the conferences provided for by article 14.

To determine the part which each country should contribute to this total of expenses the contracting countries and those which may afterwards join the Union shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:

First class . . . . .	25 units
Second class . . . . .	20 units
Third class . . . . .	15 units
Fourth class . . . . .	10 units
Fifth class . . . . .	5 units
Sixth class . . . . .	3 units

These coefficients will be multiplied by the number of countries in each class, and the sum of the result thus obtained will supply the number of units

by which the total expense has to be divided. The quotient will give the amount of the unit of expense.

Each of the contracting countries will designate, at the time of its accession, the class in which it wishes to be placed.

The Government of the Swiss Confederation is to superintend the expenses of the International Bureau, to advance the necessary funds, and to render an annual account which will be communicated to all the other Administrations.

#### ARTICLE 14

The present convention shall be submitted to periodical revisions with a view to the introduction of amendments calculated to improve the system of the Union.

For this purpose, conferences shall be held successively in one of the contracting countries between the delegates of the said countries.

The Administration of the country in which the conference is to be held will make preparation for the transaction of that conference, with the assistance of the International Bureau.

The Director of the International Bureau will be present at the meetings of the conferences, and will take part in the discussions, but without the privilege of voting.

#### ARTICLE 15

It is agreed that the contracting countries respectively reserve to themselves the right to make separately, as between themselves, special arrangements for the protection of industrial property, in so far as such arrangements do not contravene the provisions of the present convention.

#### ARTICLE 16

The countries which have not taken part in the present convention shall be permitted to adhere to it upon their request.

The accession shall be notified through the diplomatic channel to the Government of the Swiss Confederation, and by the latter to all the other Governments.

It shall entail, as a matter of right, accession to all the classes, as well as admission to all the advantages, stipulated in the present convention, and shall take effect one month after the dispatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date has been indicated by the acceding country.

#### ARTICLE 16 *bis*

The contracting countries have the right of acceding to the present convention at any time on behalf of their colonies, possessions, dependencies, and

protectorates, or territories administrated by virtue of a mandate from the League of Nations, or any of them.

For this purpose they may either make a general declaration, including all their colonies, possessions, dependencies, and protectorates, and the territories referred to in paragraph 1, in the accession, or may expressly name those included, or may confine themselves to indicating those which are excluded therefrom.

This declaration shall be notified in writing to the Government of the Swiss Confederation and by the latter to all the other Governments.

Under the same conditions, the contracting countries may denounce the convention on behalf of their colonies, possessions, dependencies, and protectorates, or for the territories referred to in paragraph 1, or for any of them.

#### ARTICLE 17

The execution of the reciprocal engagements contained in the present convention is subordinated, in so far as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the contracting countries which are bound to procure the application of the same, which they engage to do with as little delay as possible.

#### ARTICLE 17 *bis*

The convention shall remain in force for an unlimited time, till the expiration of one year from the date of its denunciation.

This denunciation shall be addressed to the Government of the Swiss Confederation. It shall affect only the denouncing country, the convention remaining in operation as regards the other contracting countries.

#### ARTICLE 18

The present act shall be ratified and the ratifications deposited at The Hague not later than the 1st of May, 1928. It shall come into force, between the countries which will have ratified it, one month after such date. However, if before May 1, 1928, it should be ratified by at least six countries, it will come into force between those countries one month after the Government of the Swiss Confederation has notified them of the filing of the sixth ratification, and for the countries which should subsequently ratify, one month after the notification of each of these ratifications.

This act shall replace, as regards relations between the countries which ratify it, the convention of the Union of Paris of 1883, revised at Washington June 2, 1911, and its final protocol, which shall remain in force as regards relations with countries which have not ratified the present act.

#### ARTICLE 19

The present act shall be signed in a single copy, which shall be deposited in the archives of the Government of the Netherlands. A certified copy shall

be forwarded by the latter to each of the Governments of the contracting countries.

In witness whereof, the respective plenipotentiaries have signed the present act.

Done at The Hague, in a single copy, the 6th day of November, 1925.

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|---|---|
| For Germany:<br>VIETINGHOFF<br>V. SPECHT<br>KLAUER<br>ALBERT OSTERRIETH                             | For France:<br>CH. DE MARCILLY<br>MARCEL PLAISANT<br>CH. DROUETS<br>GEORGES MAILLARD            |
| For Australia:<br>C. V. WATSON  | For Great Britain and Northern Ireland:<br>H. LLEWELLYN SMITH<br>A. J. MARTIN<br>A. BALFOUR     |
| For Austria:<br>Dr. CARL DUSCHANEK<br>Dr. HANS FORTWÄNGLER  | For Hungary:<br>ELEMÉR DE POMPÉRY   |
| For Belgium:<br>CAPITAINE<br>LOUIS ANDRÉ<br>THOMAS BRAUN<br>D. COPPIETERS                           | For the Irish Free State:<br>G. O'KELLY DE GALLAGH  |
| For the United States of Brazil:<br>J. A. BARBOZA CARNEIRO<br>CARLOS AMERICO BARBOSA DE<br>OLIVEIRA | For Italy:<br>DOMENICO BARONE<br>LETTERIO LABOCSETTA<br>MARIO GHIRON                            |
| For Canada:<br>FREDERICK H. PALMER  | For Japan:<br>S. SAKIKAWA<br>N. ITO   |
| For Cuba:<br>R. DE LA TORRE   | For Morocco:<br>CH. DE MARCILLY   |
| For Denmark:<br>N. J. EHRENREICH HANSEN   | For the United Mexican States:<br>JULIO POULAT  |
| For the Free City of Danzig:<br>ST. KOZMINSKI   | For Norway:<br>B. WYLLER  |
| For the Dominican Republic:<br>C. G. DE HASETH Cz.  | For the Netherlands:<br>J. ALINGH PRINS<br>BIJLEVELD<br>DIJCKMEESTER                            |
| For Spain:<br>SANTIAGO MENDEZ DE VIGO<br>FERNANDO CABELLO LAPIEDRA<br>JOSÉ GARCIA MONGE             | For Poland:<br>ST. KOZMIŃSKI<br>FRÉDÉRIC ZOLL   |
| For Estonia:<br>O. AARMANN  | For Portugal:<br>BANDEIRA   |
| For the United States of America:<br>THOMAS E. ROBERTSON<br>WALLACE R. LANE<br>JO. BAILY BROWN      | For the Kingdom of the Serbs, Croats<br>and Slovenes:<br>Dr. YANKO CHOUMANE<br>MIHAÏLO PRÉDITCH |
| For Finland:<br>YRJÖ SAASTAMOINEN   |   |

For Sweden:

E. O. J. BJÖRKLUND

H. HJERTÉN

AXEL HASSELROT

For Switzerland:

A. DE PURY

W. KRAFT

For Syria and Greater Lebanon:

CH. DE MARCILLY

For Czechoslovakia:

BARÁČEK

Prof. DR. KAREL HERMANN-OTAVSKY

Engineer BOHUSLAV PAVLOUSEK

For Tunis:

CH. DE MARCILLY

For Turkey: