

N° 4459.

---

ALLEMAGNE, AUTRICHE,  
BELGIQUE,  
ETATS-UNIS DU BRÉSIL,  
CUBA, etc.

Convention d'union de Paris du  
20 mars 1883 pour la protection  
de la propriété industrielle, révisée  
à Bruxelles, le 14 décembre 1900,  
à Washington, le 2 juin 1911, à  
La Haye, le 6 novembre 1925, et  
à Londres, le 2 juin 1934.

---

GERMANY, AUSTRIA,  
BELGIUM,  
UNITED STATES OF BRAZIL,  
CUBA, etc.

Union Convention of Paris, March  
20th, 1883, for the Protection  
of Industrial Property, revised at  
Brussels, December 14th, 1900,  
at Washington, June 2nd, 1911, at  
The Hague, November 6th, 1925,  
and at London, June 2nd, 1934.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 4459. — UNION CONVENTION<sup>2</sup> OF PARIS, MARCH 20TH, 1883, FOR THE PROTECTION OF INDUSTRIAL PROPERTY, REVISED AT BRUSSELS, DECEMBER 14TH, 1900, AT WASHINGTON, JUNE 2ND, 1911, AT THE HAGUE, NOVEMBER 6TH, 1925, AND AT LONDON, JUNE 2ND, 1934.

*French official text communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Convention took place October 12th, 1938.*

THE PRESIDENT OF THE GERMAN REICH ; THE PRESIDENT OF THE AUSTRIAN REPUBLIC ; 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 REPUBLIC OF SPAIN ; 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, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA ; HIS SERENE HIGHNESS THE RÉGENT OF THE KINGDOM OF HUNGARY ; HIS MAJESTY THE KING OF ITALY ; HIS MAJESTY THE EMPEROR OF JAPAN ; HIS SERENE HIGHNESS THE PRINCE OF LIECHTENSTEIN ; HIS MAJESTY THE SULTAN OF MOROCCO ; THE PRESIDENT OF THE UNITED STATES OF MEXICO ; 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 of the Free City of Danzig ; THE PRESIDENT OF THE PORTUGUESE REPUBLIC ; HIS MAJESTY THE KING OF SWEDEN ; THE FEDERAL COUNCIL OF THE SWISS CONFEDERATION ; THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC ; HIS HIGHNESS THE BEY OF TUNIS ; THE PRESIDENT OF THE TURKISH REPUBLIC ; HIS MAJESTY THE KING OF YUGOSLAVIA,

Having deemed it expedient to make certain modifications in, and additions to, the International Convention<sup>3</sup> of the 20th March, 1883, for the creation of an International Union for the Protection of Industrial Property, revised at Brussels<sup>4</sup> on the 14th December, 1900, at Washington<sup>5</sup> on the 2nd June, 1911, and at The Hague<sup>6</sup> on the 6th November, 1925, have named as their Plenipotentiaries, that is to say :

<sup>1</sup> Traduction du Foreign Office de Sa Majesté britannique.

<sup>1</sup> Translation of His Britannic Majesty's Foreign Office.

<sup>2</sup> Ratifications deposited in London :

UNITED STATES OF AMERICA . . . . .	July 12th, 1935.
DENMARK (including Farøe Islands) . . . . .	July 29th, 1937.
GERMANY . . . . .	August 10th, 1937.
NORWAY . . . . .	March 2nd, 1938.
JAPAN (including Chosen, Taiwan and Karafuto) . . . . .	June 17th, 1938.
UNITED KINGDOM . . . . .	June 30th, 1938.

Came into force August 1st, 1938.

<sup>3</sup> *British and Foreign State Papers*, Vol. 74, page 44.

<sup>4</sup> *British and Foreign State Papers*, Vol. 92, page 807.

<sup>5</sup> *British and Foreign State Papers*, Vol. 104, page 116.

<sup>6</sup> Vol. LXXIV, page 289 ; Vol. LXXXIII, page 464 ; Vol. LXXXVIII, page 366 ; Vol. XCII, page 403 ; Vol. C, page 246 ; Vol. CIV, page 512 ; Vol. CVII, page 506 ; Vol. CXVII, page 185 ; Vol. CXXX, page 448 ; Vol. CXXXIV, page 405 ; Vol. CXXXVIII, page 443 ; Vol. CXLVII, page 335 ; Vol. CLVI, page 205 ; and Vol. CLXIV, page 378, of this Series.

<sup>1</sup> THE PRESIDENT OF THE GERMAN REICH :

His Excellency M. Leopold VON HOESCH, Ambassador of Germany at London ;  
 M. Georg KLAUER, President of the Patent Office ;  
 M. Wolfgang KÜHNAST, *Geh. Justizrat*, Director of the Patent Office ;  
 M. Herbert KÜHNEMANN, *Landgerichtsrat* at the Ministry of Justice ;

## THE PRESIDENT OF THE FEDERAL STATE OF AUSTRIA :

Dr. Hans WERNER, *Hofrat*, President-Adviser of the Patent Office ;

## HIS MAJESTY THE KING OF THE BELGIANS :

M. Daniel Coppieters DE GIBSON, Advocate at the Court of Appeal, Brussels ;  
 M. Thomas BRAUN, Advocate at the Court of Appeal, Brussels ;

## THE PRESIDENT OF THE UNITED STATES OF BRAZIL :

M. Julio Augusto BARBOZA-GARNEIRO, Commercial Attaché at the Embassy of Brazil at London ;

## THE PRESIDENT OF THE REPUBLIC OF CUBA :

Dr. Gabriel SUÁREZ SOLAR, *Chargé d'Affaires* of Cuba at London ;

## HIS MAJESTY THE KING OF DENMARK :

M. N. J. EHRENREICH-HANSEN, Director of the Department of Industrial Property ;

## THE PRESIDENT OF THE REPUBLIC OF SPAIN :

His Excellency Don Ramón PÉREZ DE AYALA, Ambassador of Spain at London ;  
 Don Fernando CABELLO LAPIEDRA, Director of the Bureau of Industrial Property ;  
 Don José GARCÍA MONGE Y DE VERA, Assistant Head and Secretary of the Registry of Industrial Property ;

## THE PRESIDENT OF THE UNITED STATES OF AMERICA :

The Hon. Conway P. COE, Commissioner of Patents ;  
 Mr. Thomas EWING ;  
 Mr. John A. DIENNER ;

## THE PRESIDENT OF THE REPUBLIC OF FINLAND :

M. Juho Fredrik KAUTOLA, Industrial Adviser, Head of the Patent Office at the Ministry of Commerce and Industry ;

## THE PRESIDENT OF THE FRENCH REPUBLIC :

## ON BEHALF OF THE FRENCH REPUBLIC :

M. Marcel PLAISANT, Senator, Advocate at the Court of Appeal, Paris, Assistant Delegate of France to the League of Nations, Member of the Technical Committee on Industrial Property ;  
 M. Roger CAMBON, Minister Plenipotentiary, Counsellor at the Embassy of France at London ;  
 M. Georges LAINEL, Director of Industrial Property at the Ministry of Trade and Industry ;  
 M. Georges MAILLARD, Advocate at the Court of Appeal, Paris, Vice-Chairman of the Technical Committee on Industrial Property ;

## ON BEHALF OF THE STATES OF SYRIA AND LEBANON :

M. Marcel PLAISANT ;

<sup>1</sup> La liste des plénipotentiaires a été traduite par le Secrétariat de la Société des Nations.

<sup>1</sup> The list of plenipotentiaries was translated by the Secretariat of the League of Nations.

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

FOR GREAT BRITAIN AND NORTHERN IRELAND :

Sir Frederick William LEITH-ROSS, K.C.B., K.C.M.G., Chief Economic Adviser to His Majesty's Government in the United Kingdom ;

Mr. Mark Frank LINDLEY, LL.D., Comptroller-General of Patents, Designs and Trade Marks ;

Sir William SMITH JARRATT ;

FOR THE COMMONWEALTH OF AUSTRALIA :

Mr. Bernhard WALLACH, Commissioner of Patents, Registrar of Trade Marks, Registrar of Designs, Registrar of Copyrights ;

FOR THE IRISH FREE STATE :

Mr. John W. DULANTY, High Commissioner of the Irish Free State in London ;

Mr. Edward A. CLEARY, Controller of Industrial and Commercial Property ;

HIS MOST SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

M. Zoltán SCHILLING, President of the Royal Hungarian Patents Court ;

HIS MAJESTY THE KING OF ITALY :

His Excellency M. Eduardo Piola CASELLI, Senator, President of Chamber at the Court of Cassation ;

His Excellency Professor Amedeo GIANNINI, Senator, Minister Plenipotentiary, Counsellor of State ;

Dr. Luigi BIAMONTI, Director of the Legal Bureau of the Confederation of Industry ;

Dr. Alfredo Jannoni SEBASTIANINI, Director of the Intellectual Property Office ;

HIS MAJESTY THE EMPEROR OF JAPAN :

His Excellency M. Massa-aki HOTTA, Envoy Extraordinary and Minister Plenipotentiary of Japan in Prague ;

M. Takatsugu YOSHIWARA, Secretary-General of the Patent Office ;

HIS SERENE HIGHNESS THE PRINCE OF LIECHTENSTEIN :

M. Walther KRAFT, Director of the Federal Intellectual Property Office, Berne ;

HIS MAJESTY THE SULTAN OF MOROCCO :

His Excellency Viscount DE POULPIQUET DU HALGOUËT, Commercial Attaché of France at London ;

THE PRESIDENT OF THE UNITED STATES OF MEXICO :

M. Gustavo LUDERS DE NEGRI, Consul-General of Mexico at London ;

HIS MAJESTY THE KING OF NORWAY :

M. Birger Gabriel WYLLER, Director-General of the Industrial Property Office ;

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Dr. J. ALINGH PRINS, President of the Patent Board, Director of the Industrial Property Office, The Hague ;

M. J. VAN HETTINGA TROMP, Doctor of Engineering, Advocate at the High Court, The Hague ;

Dr. A. D. KOELEMAN, Counsellor, The Hague ;

Dr. H. F. VAN WALSEM, Advocate, Eindhoven ;

THE PRESIDENT OF THE POLISH REPUBLIC (on behalf of Poland and the Free City of Danzig) :

ON BEHALF OF THE POLISH REPUBLIC :

M. Stefan CZAYKOWSKI, President of the Patent Office of the Polish Republic ;

ON BEHALF OF THE FREE CITY OF DANZIG :

M. Stefan CZAYKOWSKI ;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC :

Dr. João DE LEBRE E LIMA, Chargé d'Affaires of Portugal at London ;

M. Arthur DE MELLO QUINTELLA SALDANHA, Engineer, Director of the Industrial Property Office ;

HIS MAJESTY THE KING OF SWEDEN :

Dr. Carl Birger LINDGREN, Head of Section at the Patent and Registration Office ;

M. Åke DE ZWEIGBERGK ;

THE FEDERAL COUNCIL OF THE SWISS CONFEDERATION :

M. Walther KRAFT, Director of the Federal Intellectual Property Office ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Karel SKÁLA, Chief Adviser to the Ministry of Commerce ;

Dr. Otto PARSCHE, Secretary to the Ministry of Commerce ;

HIS HIGHNESS THE BEY OF TUNIS :

M. Charles BILLECOCQ, French Consul-General at London ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency Ali FETHI Bey, Ambassador of Turkey at London ;

HIS MAJESTY THE KING OF YUGOSLAVIA :

Dr. Janko CHOUMANE, President of the National Office for the Protection of Industrial Property ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :

*Article I.*

1. The countries to which the present Convention applies constitute themselves into a Union for the protection of industrial property.

2. The protection of industrial property is concerned with patents, utility models, industrial designs or models, trade marks, trade names and indications of source or appellations of origin, and the repression of unfair competition.

3. Industrial property is to be understood in the broadest sense and applies not only to industry and commerce properly so called, but likewise to agricultural and extractive industries and to all manufactured or natural products, for example, wines, corn, tobacco, leaves, fruit, cattle, minerals, mineral waters, beer, flowers and flour.

4. Under the term " patents " are included the various kinds of industrial patents recognised by the laws of the countries of the Union, such as patents of importation, patents of improvement, patents and certificates of addition, etc.

*Article 2.*

1. Persons within the jurisdiction of each of the countries of the Union shall, as regards the protection of industrial property, enjoy in all the other countries of the Union the advantages that their respective laws now grant, or may hereafter grant, to their nationals, without prejudice to 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 nationals.

2. Nevertheless, no condition as to the possession of a domicile or establishment in the country where protection is claimed may be required of persons entitled to the benefits of the Union for the enjoyment of any industrial property rights.

3. The provisions of the laws of each of the countries of the Union relative to judicial and administrative procedure and competence, and to the choice of domicile or the authorisation of an agent which may be required by the laws of industrial property, are expressly reserved.

*Article 3.*

Persons within the jurisdiction 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 one of the countries of the Union, are assimilated to persons within the jurisdiction of the countries of the Union.

*Article 4.*

A. 1. Any person who has duly deposited an application for a patent, or for the registration of a utility model, industrial design or model or trade mark in one of the countries of the Union, or his legal representative or assignee, shall enjoy, for the purposes of deposit in the other countries, a right of priority during the periods hereinafter stated.

2. Every application which, under the domestic law of any country of the Union, or under international treaties concluded between several countries of the Union, is equivalent to a regular national application, shall be recognised as giving rise to a right of priority.

B. Consequently, a subsequent deposit 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, for instance, by another deposit, by publication or exploitation of the invention, by the putting on sale of copies of the design or model, or by use of the mark, and these acts cannot give rise to any rights of third parties or of personal possession. Rights acquired by third parties before the date of the first application which serves as a basis for the right of priority are reserved in accordance with the domestic legislation of each country of the Union.

C. 1. The above-mentioned periods of priority shall be twelve months for patents and utility models, and six months for industrial designs or models and trade marks.

2. These periods start from the date of deposit of the first application ; the day of deposit is not included in the period.

3. If the last day of the period is a *dies non* or a day when the Office is not open to receive the deposit of applications in the country where protection is claimed, the period shall be extended until the first following working day.

D. 1. Any person desiring to take advantage of the priority of a previous deposit shall be bound to make a declaration giving particulars as to the date of such deposit and the country in which it was made. Each country will determine for itself the latest time at which such declaration must be made.

2. These particulars shall be mentioned in the publications issued by the competent authority, in particular on the patents and the specifications relating thereto.

3. The countries of the Union may require any person making a declaration of priority to produce a copy of the application (with the specification, drawings, etc.) previously deposited. The copy, certified as correct by the authority by whom the application was received, shall not require any legal authentication, and may in any case be deposited at any time within three months from the deposit of the subsequent application without payment of fee. They may require it to be accompanied by a certificate from the proper authority showing the date of the deposit, and also by a translation.

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

5. Subsequently, further proof in support of the declaration may be required.

E. 1. Where an application for the registration of an industrial design or model is deposited in a country in virtue of a right of priority based on a previous deposit of an application for registration of a utility model, the period of priority shall only be that fixed for industrial designs or models.

2. Further, it is permissible to deposit in a country an application for the registration of a utility model in virtue of a right of priority based on the deposit of a patent application and *vice versa*.

F. No country of the Union may refuse an application for a patent on the ground that it contains multiple priority claims, provided that the application relates to one invention only within the meaning of the law of that country.

G. If examination reveals that an application for a patent contains more than one invention, the applicant may divide the application into the requisite number of divisional applications, and preserve as the date of each divisional application the date of the initial application and, if necessary, the benefit of the right of priority.

H. Priority may not be refused on the ground that certain elements of the invention for which priority is claimed do not appear in the claims formulated in the application in the country of origin, provided that the application documents as a whole disclose such elements in a precise manner.

#### *Article 4 bis.*

1. Patents applied for in the various countries of the Union by persons entitled to the benefits of the Union shall be independent of the patents obtained for the same invention in the other countries, whether members of the Union or not.

2. This stipulation must be strictly interpreted, for example, it shall be understood to mean that patents applied for during the period of priority are independent, in respect of the grounds for refusal and for revocation, as well as in respect of their normal duration.

3. The stipulation applies to all patents existing at the time when it comes into effect.

4. Similarly it 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.

5. Patents obtained with the benefit of priority shall enjoy in the various countries of the Union a duration equal to that which they would have enjoyed if they had been applied for or issued without the benefit of priority.

#### *Article 4 ter.*

The inventor has the right to be mentioned as such in the patent.

*Article 5.*

A. 1. The importation by the patentee into the country where the patent has been granted of articles manufactured in any of the countries of the Union shall not entail revocation of the patent.

2. Nevertheless each of the countries of the Union 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 work.

3. These measures shall not provide for the revocation of the patent unless the grant of compulsory licences is insufficient to prevent such abuses.

4. In any case, an application for the grant of a compulsory licence may not be made before the expiration of three years from the date of the issue of the patent, and this licence may only be granted if the patentee is unable to justify himself by legitimate reasons. No proceedings for the revocation of a patent may be instituted before the expiration of two years from the date of the granting of the first compulsory licence.

5. The foregoing provisions shall be applicable, *mutatis mutandis*, to utility models.

B. The protection of industrial designs and models may not, under any circumstances, be liable to revocation either by reason of non-working or by reason of the importation of articles corresponding to those which are protected.

C. 1. If, in any country, the utilisation of a registered trade mark is compulsory, registration cannot be cancelled until after a reasonable period has elapsed, and then only if the person interested cannot justify the causes of his inaction.

2. The use of a trade mark by the proprietor in a form differing in elements which do not alter the distinctive character of the mark from the form in which it was registered in one of the countries of the Union shall not involve cancellation of the registration, and shall not prejudice the protection granted to such mark.

3. The concurrent use of the same mark on identical or similar goods by industrial or commercial establishments who, under the provisions of the national law of the country where protection is claimed, are considered as co-proprietors of the mark, shall not prevent the registration nor prejudice in any manner the protection granted to the said mark in any country of the Union, provided that such use does not result in misleading the public, and is not contrary to the public interest.

D. No sign or mention of the patent, of the utility model, of the registration of the trade mark or of the deposit of the industrial design or model shall be required upon the product as a condition of recognition of the right to protection.

*Article 5 bis.*

1. An extension of time of not less than three months shall be allowed for the payment of the prescribed fees for the maintenance of industrial property rights, on condition (if the national legislation of a country so provides) of the payment of a supplementary fee.

2. In the case of patents, the countries of the Union further undertake, either to increase the above-mentioned extension of time to not less than six months, or to provide for the restoration of a patent which has expired by reason of the non-payment of fees, subject in each case to the conditions prescribed by the domestic legislation.

*Article 5 ter.*

In each of the countries of the Union the following shall not be considered as infringements of the rights of a patentee.

(1) The use on board vessels of other countries of the Union of a patented invention in the body of the vessel, in the machinery, tackle, apparatus and other accessories, when



such vessels penetrate temporarily or accidentally into the territorial waters of the country, provided that such invention is used exclusively for the actual needs of the vessel.

(2) The use of a patented invention in the construction or working of aircraft or land vehicles of other countries of the Union, or of the accessories to such aircraft or vehicles, when such aircraft or vehicles penetrate temporarily or accidentally into the country.

#### Article 6.

A. Every trade mark duly registered in the country of origin shall be admitted for deposit and protected in its original form in the other countries of the Union, subject to the reservations indicated below. These countries may, before proceeding to final registration, require the production of a certificate of registration in the country of origin, issued by the competent authority. No legalisation shall be required for this certificate.

B. 1. Nevertheless, registration of the following may be refused or cancelled :

(1) Marks which are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed.

(2) Marks 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 of the goods or date of production, or which have become customary in the current language, or in the *bona fide* and recognised customs of the trade of the country where protection is claimed. In arriving at a decision as to the distinctive character of a mark, all the circumstances of the case must be taken into account, including the length of time during which the mark has been in use.

(3) Marks which are contrary to morality or public order, in particular those of such a nature as to deceive the public. It is understood that a mark cannot be considered as contrary to public order for the sole reason that it does not conform to some stipulation of the laws concerning marks, except where such stipulation itself relates to public order.

2. Registration of trade marks in the other countries of the Union shall not be refused for the sole reason that such marks differ from the marks protected in the country of origin only by elements which do not alter the distinctive character and do not affect the identity of the marks registered in the said country of origin.

C. The country of the Union where the depositor has a real and effective industrial or commercial establishment ; if he has not such an establishment, the country of the Union where he is domiciled, and if he is not domiciled in the Union, the country of his nationality if he is a person within the jurisdiction of one of the countries of the Union shall be considered as the country of origin.

D. When a trade mark has been duly registered in the country of origin and then in one or several other countries of the Union, each of these national marks shall be considered, as from the date of its registration, as independent of the mark in the country of origin, provided it conforms to the domestic legislation of the country of importation.

E. In no case shall the renewal of the registration of a mark in the country of origin involve the obligation to renew the registration of the mark in other countries of the Union where it has been registered.

F. The benefits of priority shall be accorded to applications for the registration of marks deposited within the period fixed by Article 4, notwithstanding the fact that registration in the country of origin may not be completed until after the expiration of such period.

#### Article 6 bis.

1. The countries of the Union undertake to refuse or to cancel, either administratively if their legislation so permits, or at the request of an interested party, the registration of any trade

mark which constitutes a reproduction, imitation or translation capable of creating confusion with a mark considered by the competent authority of the country of registration to be well known in that country as being already the mark of a person entitled to the benefits of the present Convention and utilised for identical or similar goods. These provisions shall also apply when the essential part of the mark constitutes a reproduction of any such well-known mark, or an imitation capable of creating confusion therewith.

2. A period of at least three years shall be allowed for claiming the removal of such marks. This period shall run from the date of registration of the mark.

3. There shall be no limit to the period within which application may be made for the removal of marks registered in bad faith.

*Article 6 ter.*

1. The countries of the Union agree to refuse or to cancel the registration, and to prohibit by appropriate measures the utilisation, without authorisation by the competent authorities, either as trade marks or as elements of trade marks, of armorial bearings, flags and other State emblems of the countries of the Union, official signs and hall-marks indicating control or warranty adopted by them, and all imitations thereof from an heraldic point of view.

2. The prohibition of the utilisation of official signs and hall-marks indicating control or warranty shall apply solely in cases where the marks which contain them are intended to be utilised for the same or similar classes of goods.

3. For the application of these stipulations the countries of the Union agree to communicate mutually through the medium of the International Bureau of Berne, the list of State emblems and official signs and hall-marks indicating control or warranty which they desire, or may hereafter desire, to place wholly or within certain limits under the protection of the present Article, and all subsequent modifications of this list. Each country of the Union shall forthwith make the lists so communicated available to the public.

4. Any country of the Union may, within a period of twelve months from the receipt of the communication, transmit any objections which it may desire to offer to the country concerned through the medium of the International Bureau.

5. In the case of State emblems which are well known the measures prescribed by paragraph 1 shall apply solely to marks registered after the 6th November, 1925.

6. As regards State emblems which are not well known and official signs and hall-marks such stipulations shall be applicable only to marks registered more than two months after the receipt of the communications provided for in paragraph 3.

7. In cases of bad faith, however, each country shall be entitled to cause removal of marks, even though registered before the 6th November, 1925, if they contain State emblems, signs or hall-marks.

8. The nationals of each country who have been authorised to make use of State emblems, signs or hall-marks of their country, may continue to use them even though they are similar to those of another country.

9. The countries of the Union undertake to prohibit the unauthorised use in trade of the State armorial bearings of the other countries of the Union, when such use is of a nature to cause deception as to the origin of the goods.

10. The above stipulations shall not prevent the countries from exercising the power given in the third subsection of paragraph 1 of Clause B of Article 6, to refuse or to cancel the registration of marks containing, without authorisation, the armorial bearings, flags, decorations, and other State emblems or official signs or hall-marks adopted by a country of the Union.

*Article 6 quater.*

1. When, in conformity with the legislation of a country of the Union, the assignment of a trade mark is valid only if it takes place simultaneously with the transfer of the business or goodwill

to which the mark belongs, it shall be sufficient to establish validity if the portion of the business or goodwill situated in that country, together with the exclusive right of manufacturing or selling in that country the goods bearing the mark assigned, is transferred to the assignee.

2. This provision does not impose upon the countries of the Union any obligation to consider valid the assignment of any mark of which the use by the assignee would, in fact, be of such a nature as to deceive the public, in particular as regards the origin, nature or substantial qualities of the goods to which the mark is applied.

*Article 7.*

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

*Article 7 bis.*

1. The countries of the Union undertake to admit to deposit and to protect association 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.

2. Each country shall be the sole judge of the particular conditions under which an association mark shall be protected and may refuse protection if the mark is contrary to public interest.

3. Nevertheless, the protection of these marks may not be refused to any association of which the existence is not contrary to the law of the country of origin on the ground that such association is not established in the country where protection is sought or is not constituted according to the legislation of the latter country.

*Article 8.*

A trade name shall be protected in all the countries of the Union without necessity of deposit or registration, whether or not it forms part of a trade mark.

*Article 9.*

1. 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.

2. Seizure shall be effected equally in the country where the mark or name was illegally applied, or in the country into which the goods bearing it may have been imported.

3. The seizure shall take place at the request either of the Public Prosecutor or of any other competent authority or of any interested party whether an individual or a body of persons corporate or unincorporate in conformity with the domestic law of each country.

4. The authorities shall not be bound to effect the seizure of goods in transit.

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

6. If the laws of any country do not admit either of seizure upon importation, or of prohibition of importation, or of seizure within the country, and pending the requisite modification of these laws, these measures shall be replaced by the remedies available in such cases to nationals.

*Article 10.*

1. The stipulations of the preceding Article shall be applicable to all goods which falsely bear as an indication of origin the name of a specified locality or country, when such indication is joined to a trade name of a fictitious character or used with fraudulent intention.

2. Any producer, manufacturer or trader, whether an individual or a body of persons corporate or unincorporate, engaged in the production, manufacture, or trade of such goods, and established either in the locality falsely indicated as the place of origin, in the district where the locality is situated, or in the country falsely indicated, or in the country where the false indication of origin is used, shall in any case be deemed a party interested.

*Article 10 bis.*

1. The countries of the Union are bound to assure to persons entitled to the benefits of the Union an effective protection against unfair competition.

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

3. The following acts among others shall be prohibited :

(1) All manner of acts of such a nature as to create confusion by any means whatsoever with the establishment, the goods, or the industrial or commercial activities of a competitor ;

(2) False allegations, in the course of trade, of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities of a competitor.

*Article 10 ter.*

1. The countries of the Union undertake to assure to persons within the jurisdiction of other countries of the Union appropriate legal remedies to repress effectively all acts referred to in Articles 9, 10 and 10 *bis*.

2. They undertake, further, to provide measures to permit syndicates and associations which represent industrialists, producers or traders interested, and of which the existence is not contrary to the laws of their country, to take proceedings in the Courts or before the administrative authorities with a view to securing repression of the acts referred to in Articles 9, 10 and 10 *bis* so far as the law of the country in which protection is claimed permits such action to the syndicates and associations of that country.

*Article 11.*

1. The countries of the Union shall, in conformity with their domestic legislation, grant temporary protection to patentable inventions, utility models, industrial designs or models, and trade marks, in respect of goods exhibited at official, or officially recognised, international exhibitions held in the territory of one of them.

2. This temporary protection shall not prolong the periods of priority provided by Article 4. If, at a later date, the right of priority is invoked, the Administration of each country may date the period of priority as from the date of introduction of the goods into the exhibition.

3. Each country may require, as proof of the identity of the object exhibited, and of the date of its introduction into the exhibition, such evidence as it may consider necessary.

*Article 12.*

1. Each of the countries of the Union undertakes to establish a special Government department for industrial property, and a central office for communication to the public of patents, utility models, industrial designs or models, and trade marks.

2. This department shall publish an official periodical journal. It shall also publish regularly:

(a) The names of the patentees of patents issued, with a brief title of the patented inventions ;

(b) Representations of registered trade marks.

*Article 13.*

1. The International Office established at Berne under the name " Bureau international pour la Protection de la Propriété industrielle " is placed under the high authority of the Government of the Swiss Confederation, which regulates its organisation and supervises its working.

2. The official language of the International Bureau is French.

3. The International Bureau centralises information of every kind relating to the protection of industrial property and collates and publishes it. It studies matters of general utility which interest the Union, and edits, with the help of documents supplied to it by the various Administrations, a periodical journal in French, dealing with questions concerning the object of the Union.

4. The numbers of this journal, as well as all 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, shall be paid for separately.

5. The International Bureau shall at all times hold itself at the service of countries 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 countries of the Union.

6. The ordinary expenses of the International Bureau shall be borne by the countries of the Union in common. Until fresh sanction is given, they must not exceed the sum of 120,000 Swiss francs per annum. This sum may be increased, in case of necessity, by a unanimous decision of one of the conferences referred to in Article 14.

7. Ordinary expenses do not include expenses relating to diplomatic or administrative conferences, or those caused by special work or publications effected in conformity with the decisions of a conference. These expenses, the annual total of which may not exceed 20,000 Swiss francs, shall be shared by the countries of the Union in proportion to the contribution which they make towards the working of the International Bureau in accordance with the provisions of paragraph 8 below.

8. To determine the quota which each country should contribute to this common total of expenses, the countries of the Union and those which may afterwards join the Union are divided into six classes, each contributing in the proportion of a certain number of units, namely :

	Units		Units
1st class .....	25	4th class .....	10
2nd class .....	20	5th class .....	5
3rd class.....	15	6th class .....	3

These co-efficients are multiplied by the number of countries in each class, and the sum of the products thus obtained gives the number of units by which the total expense has to be divided. The quotient gives the amount of the unit of expense.

9. Each of the countries of the Union will designate at the time of its accession the class in which it wishes to be placed. Nevertheless, each country of the Union may declare subsequently that it desires to be placed in another class.

10. The Government of the Swiss Confederation superintends the expenses of the International Bureau, advances the necessary funds and renders an annual account, which will be communicated to all the other Administrations.

*Article 14.*

1. 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.

2. For this purpose, Conferences shall be held successively in one of the countries of the Union, among the delegates of the said countries.

3. The Administration of the country in which the Conference is to be held will make preparations for the work of that Conference, with the assistance of the International Bureau.

4. 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 right of voting.

#### *Article 15.*

It is understood that the countries of the Union respectively reserve to themselves the right to make separately, as between themselves, special agreements for the protection of industrial property, in so far as such agreements do not contravene the stipulations of the present Convention.

#### *Article 16.*

1. Countries which are not parties to the present Convention shall be allowed to accede to it upon their request.

2. This accession shall be notified through diplomatic channels to the Government of the Swiss Confederation, and by the latter to all the other countries.

3. It shall entail, as a matter of right, accession to all the clauses, and 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 in the notice of accession.

#### *Article 16 bis.*

1. Any country of the Union may at any time notify in writing to the Government of the Swiss Confederation that the present Convention shall apply to all or any of its Colonies, Protectorates, Territories under Mandate or any other Territories subject to its authority, or any Territories under suzerainty, and the Convention shall apply to all the Territories named in such notification one month after the despatch of the communication made by the Government of the Swiss Confederation to the other countries of the Union, provided that a later date has not been indicated in such notification. Failing such notification, the Convention shall not apply to any such Territories.

2. Any country of the Union may, at any time, notify in writing to the Government of the Swiss Confederation that the present Convention shall cease to apply to all or any of the Territories which have been made the subject of a notification under the preceding paragraph, and the Convention shall cease to apply in the Territories named in such notification twelve months after the receipt of the notification addressed to the Government of the Swiss Confederation.

3. All notifications given to the Government of the Swiss Confederation in accordance with the provisions of paragraphs 1 and 2 of the present Article shall be communicated by that Government to all the countries of the Union.

#### *Article 17.*

The carrying out of the reciprocal engagements contained in the present Convention is subject, so far as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the countries of the Union which are bound to procure their application, which they engage to do with as little delay as possible.

#### *Article 17 bis.*

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

2. This denunciation shall be addressed to the Government of the Swiss Confederation. It shall only affect the country in whose name the denunciation is made, the Convention remaining in operation as regards the other countries of the Union.

*Article 18.*

1. The present Act shall be ratified and the instruments of ratification deposited in London not later than the 1st July, 1938. It shall come into force, between the countries in whose names it shall have been ratified, one month after that date. Nevertheless, if before that date it has been ratified in the name of at least six countries, it shall come into force, between those countries, one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation and, in the case of countries in whose names it shall be ratified at a later date, one month after the notification of each of such ratifications.

2. The countries in whose names the instrument of ratification has not been deposited within the period contemplated by the preceding paragraph shall be entitled to accede in accordance with the terms of Article 16.

3. The present Act shall, as regards the relations between the countries to which it applies, replace the Convention of the Union of Paris of 1883 and the subsequent Revisions.

4. As regards the countries to which the present Act does not apply, but to which the Convention of the Union of Paris revised at The Hague in 1925 applies, the latter shall remain in force.

5. Similarly, as regards countries to which neither the present Act nor the Convention of the Union of Paris revised at The Hague applies, the Convention of the Union of Paris, revised at Washington in 1911, shall remain in force.

*Article 19.*

The present Act shall be signed in a single copy, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland. A certified copy shall be forwarded by the latter to each of the Governments of the countries of the Union.

Done at London, in a single copy, the 2nd June, 1934.

For Germany :

HOESCH.  
Georg KLAUER.  
Wolfgang KÜHNAST.  
Herbert KÜHNEMANN.

For Austria :

Dr. Hans WERNER.

For Belgium :

Coppieters DE GIBSON.  
Thomas BRAUN.

For the United States of Brazil :

J. A. BARBOZA-CARNEIRO.

For Cuba :

Gabriel SUÁREZ SOLAR.

For Denmark :

N. J. EHRENREICH-HANSEN.

For Danzig :

For Spain :

Ramón PÉREZ DE AYALA.  
Fernando CABELLO LAPIEDRA.  
José GARCÍA MONGE.

For the United States of America :

Conway P. COE.  
John A. DIENNER.  
Thomas EWING.

- For Finland :  
J. KAUTOLA.
- For France :  
Marcel PLAISANT.  
Roger CAMBON.  
Georges LAINEL.  
Georges MAILLARD.
- For Great Britain and Northern Ireland :  
F. W. LEITH-ROSS.  
M. F. LINDLEY.  
William S. JARRATT.
- For Australia :  
B. WALLACH.
- For the Irish Free State :
- For Hungary :  
SCHILLING Zoltán.
- For Italy :  
Eduardo Piola CASELLI.  
Luigi BIAMONTI.  
Alfredo Jannoni SEBASTIANINI.
- For Japan :  
M. HOTTA.  
Takatsugu YOSHIWARA.
- For Liechtenstein :  
W. KRAFT.
- For Morocco :  
HALGOUËT.
- For the United States of Mexico :  
G. LUDERS DE NEGRI.
- For Norway :  
B. G. WYLLER.
- For the Netherlands :  
J. ALINGH PRINS.  
J. VAN HETTINGA TROMP.  
A. D. KOELEMAN.  
H. F. VAN WALSEM.
- For Poland :  
Stefan CZAYKOWSKI.
- For Portugal :  
João DE LEBRE E LIMA.  
Arthur DE MELLO QUINTELLA SALDANHA.
- For Sweden :  
Birger LINDGREN.  
Åke DE ZWEIGBERGK.
- For Syria and Lebanon :  
Marcel PLAISANT.
- For Switzerland :  
W. KRAFT.
- For Czechoslovakia :  
Dr. Karel SKÁLA.  
Dr. Otto PARSCH.
- For Tunis :  
C. BILLECOÇQ.
- For Turkey :  
A. FETHI.
- For Yugoslavia :  
Dr. Janko CHOUMANE (Šuman).