

N° 1801.

**NORVÈGE ET
UNION DES RÉPUBLIQUES
SOVIÉTISTES SOCIALISTES**

Convention relative à la protection
réciproque des droits de propriété
industrielle, avec protocole final.
Signés à Moscou, le 24 février
1928.

**NORWAY
AND UNION OF SOCIALIST
SOVIET REPUBLICS**

Convention concerning the recipro-
cal Protection of Industrial Pro-
perty Rights, with Final Protocol.
Signed at Moscow, February 24,
1928.

¹ TRADUCTION. — TRANSLATION.

No. 1801. — CONVENTION ² BETWEEN NORWAY AND THE UNION OF SOCIALIST SOVIET REPUBLICS CONCERNING THE RECIPROCAL PROTECTION OF INDUSTRIAL PROPERTY RIGHTS. SIGNED AT MOSCOW, FEBRUARY 24, 1928.

French official text communicated by the Norwegian Minister for Foreign Affairs. The registration of this Convention took place July 23, 1928.

HIS MAJESTY THE KING OF NORWAY and THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOCIALIST SOVIET REPUBLICS, being equally desirous of protecting their mutual rights in industrial property and, in particular, inventions, drawings and models, commercial and trade marks, have resolved, in execution of Article 13 of the Treaty of Commerce and Navigation³, signed between the two countries on December 15, 1925, to conclude for this purpose a convention concerning the reciprocal protection of industrial property rights, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF NORWAY :

M. A. URBYE, Envoy Extraordinary and Minister Plenipotentiary ;

THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOCIALIST SOVIET REPUBLICS :

M. M. LITVINOFF, Member of the Central Executive Committee, Deputy Peoples Commissioner for Foreign Affairs ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions.:

Article 1.

Nationals of each of the contracting countries shall enjoy within the other country in regard to the protection of inventions, industrial drawings or models, commercial or trade marks and the suppression of unfair competition, the same benefits as are or may hereafter be conferred on its nationals under the laws of the said country. They shall therefore have the same protection as nationals and the same legal recourse against any infringement of their rights, subject to compliance with the conditions and formalities imposed upon nationals.

Nevertheless, commercial or trade marks shall not be protected to a greater extent nor for a longer period than in the country of origin.

The provisions of the present Convention shall also apply to commercial companies and to juridical persons legally constituted in the country of their residence.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Oslo, July 5, 1928.

³ Vol. XLVII, page 9, of this Series.

Article 2.

Nationals of either Contracting Party, or their representatives, who, after the coming into force of the present Convention, shall have duly filed in their own country a request for a certificate of invention, or of industrial drawings or models, or of commercial or trade marks, shall enjoy priority rights, during the extensions of time hereinafter mentioned, for the filing of their requests in the other country, without prejudice to the rights of third parties.

Requests subsequently filed in the other contracting country prior to the expiration of these periods, cannot therefore be invalidated by any acts performed during the interval, and in particular, by the filing of another request by the publication of the invention or its exploitation, by the offering for sale of copies of the drawing or model or by the use of the mark.

The aforementioned extensions of time for the exercise of the priority rights shall be twelve months in the case of certificates of invention, and six months in the case of industrial drawings or models and commercial or trade marks. These periods shall be reckoned as from the date when the first request was filed.

Article 3.

If, within six months from the date of the coming into force of the present Convention, a national of one of the contracting countries has duly filed in the other country a request for a certificate previously filed by him in his own country between November 7, 1917, and the date of the coming into force of the present Convention, Article 2 shall be applied *mutatis mutandis*, the period allowed for the exercise of priority rights being then reckoned as from the date of the filing of the first request until the date of the filing of the request in the other contracting country. The present provisions shall, however, be without prejudice to rights acquired in good faith by third parties prior to the coming into force of the present Convention.

Article 4.

Nationals of either contracting country who have filed a request for a trade or commercial mark, or obtained the registration of such mark within the territory of the other Contracting Party, prior to November 7, 1917, and in compliance with the laws at that time in force, may, if they apply for its renewal in accordance with the laws in force at the present time, claim priority rights in virtue of the first filing of the request, provided that the application for renewal be made within six months as from the date of the coming into force of the present Convention.

Paragraph 9, sub-paragraphs 1 to 3, of the Norwegian law of July 2, 1910, concerning commercial and trade marks, and Articles 4b, 13 and 14 of the Decree of the Central Executive Committee and of the Council of People's Commissaries of the Union of Socialist Soviet Republics, dated February 12, 1926, concerning trade and commercial marks, shall have a similar application. The right to demand cancellation conferred under the said laws may be exercised through the competent authorities within nine months as from the date of the renewal of the mark.

Holders of certificates shall not, however, be entitled to demand compensation in respect of the use of commercial or trade marks prior to the date on which they availed themselves of the right to demand cancellation.

Article 5.

Requests for trade or commercial marks filed by Norwegian commercial companies or juridical persons (Article 1, paragraph 3), between November 10, 1922, and the date of the coming into force of the present Convention, shall be considered valid as from the date on which the request is filed.

Article 6.

The present Convention shall be ratified as soon as possible, and shall come into force two months after the exchange of the instruments of ratification, which shall take place at Oslo.

It shall remain in force until the expiration of six months as from the date on which either of the Contracting Parties notifies the other of its intention to denounce the Convention.

In faith whereof the aforementioned Plenipotentiaries have signed the present Convention, and have thereto affixed their seals.

Done in duplicate at Moscow, February 24, 1928.

(L. S.) A. URBYE.

(L. S.) M. LITVINOFF.

FINAL PROTOCOL.

When proceeding to sign the Convention concluded on this day between Norway and the Union of Socialist Soviet Republics concerning the reciprocal protection of industrial property rights, the aforementioned Plenipotentiaries agreed upon the following provisions which constitute an integral part of the Convention.

I.

The contracting countries undertake to afford to nationals of the other country effective protection against unfair acts, and particularly against such as might give a misleading impression concerning the origin of the product, and the name or style of the producer or trader.

II.

The term "nationals" used in the present Convention shall, in so far as the Union of Socialist Soviet Republics is concerned, refer only to persons duly furnished with documents issued by Soviet authorities.

A. URBYE.

M. LITVINOFF.