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***Treaties and international agreements
filed and recorded
from 21 November 1947 to 4 December 1947
No. 69***

***Traités et accords internationaux
classés et inscrits au répertoire
du 21 novembre 1947 au 4 décembre 1947
No 69***

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**UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND
and
FRANCE**

**Agreement relating to certain rights in respect of industrial,
literary and artistic property which have been affected by
the war. Signed at London, on 29 August 1945**

English and French official texts communicated by the United Kingdom Representative to the United Nations. The filing and recording took place on 4 December 1947.

**ROYAUME-UNI DE GRANDE-BRETAGNE ET
D'IRLANDE DU NORD
et
FRANCE**

**Accord concernant certains droits relatifs à la propriété
industrielle, littéraire et artistique atteints par la guerre.
Signé à Londres, le 29 août 1945**

Textes officiels anglais et français communiqués par le représentant du Royaume-Uni auprès de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 4 décembre 1947.

No. 69. AGREEMENT¹ BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC RELATING TO CERTAIN RIGHTS IN RESPECT OF INDUSTRIAL, LITERARY AND ARTISTIC PROPERTY WHICH HAVE BEEN AFFECTED BY THE WAR. SIGNED AT LONDON, ON 29 AUGUST 1945

The Government of the United Kingdom of Great Britain and Northern Ireland and the Provisional Government of the French Republic desiring to re-establish certain rights in respect of industrial, literary and artistic property which have been affected by the war, have agreed as follows:—

Article 1

1. Nationals of the contracting Governments, on request made within a period of 12 months commencing from the coming into force of the present Agreement and without supplementary fee or penalty, may obtain—

- (a) restoration of the priority rights stipulated in Article 4 of the International Industrial Property Convention of Paris of the 20th March, 1883, as revised at London on the 2nd June, 1934², for the deposit of applications for patents or for the registration of trade marks and industrial designs or models, which had not expired on the 3rd September, 1939, and of the priority rights which have arisen during the war or might have arisen if the war had not taken place;
- (b) restoration of their applications for patents, or for the registration of trade marks and industrial designs or models, deemed to have been abandoned or expired since the 3rd September, 1939, on condition of the accomplishment of all acts, of the fulfilment of all formalities, of the payment of all taxes and generally of the fulfilment of all obligations prescribed by the laws and regulations of each country for obtaining or maintaining in force rights of industrial property;
- (c) restoration of rights of industrial property which have expired since the 3rd September, 1939, in consequence of failure to accomplish

¹ Came into force on 29 August 1945 by signature.

² League of Nations, *Treaty Series*, Volume CXCII, page 17; Volume CCIV, page 469, and Volume CCV, page 218.

any act, to fulfil any formality or to make any payment of fees, on condition that the said act, formality or payments is accomplished, fulfilled or made.

2.—(a) Nevertheless, third parties who have *bona fide* commenced the exploitation of inventions or of industrial designs or models before the date of restoration, may obtain a non-exclusive licence for exploitation. In default of agreement between the parties, the conditions of the licence shall be fixed in accordance with the respective laws of the contracting Governments. These conditions shall take into account all relevant circumstances, including any damage suffered by the proprietor of the patent which has lapsed owing to non-payment of the renewal fees by reason of exploitation of the patented invention by the third party claiming a licence during the period of expiry.

(b) The period of twelve months provided for in paragraph 1 of this article may be extended subject to conditions which shall be fixed by agreement between the two contracting Governments.

Article 2

The conditions of compulsory licences granted since the 10th May, 1940, for the exploitation of rights of industrial, literary or artistic property may be reviewed at the request of the interested parties. These request shall be made in accordance with the legislation in force. The revised conditions shall take into account all relevant circumstances, including any damage suffered by the proprietor of the right by reason of the previous exploitation of the right by the licensee under his compulsory licence.

In the case of industrial property where a patentee as such establishes that by reason of the war he has suffered loss or damage, he may obtain an extension of the term of his protection under the conditions prescribed by the national law of each of the contracting Governments.

Article 3

The period between the 3rd September, 1939, and the date of coming into force of the present Agreement shall be excluded from the prescribed periods for the exploitation of a patent, for the use of trade marks, or for the exploitation of industrial designs or models; further, it is agreed that no patent, or registration of a trade mark or industrial design or model which was in force on the 3rd September, 1939, shall be revoked or cancelled solely on the ground of non-exploitation or non-use before the expiration of a period of two years commencing from the coming into force of the present Agreement.

Article 4

The renewal of trade mark registration which have reached the end of their normal period, if it is effected before the expiration of the period provided by Article 1 shall have the effect of ante-dating the term of the new period of protection to the date of expiration of the said normal period.

Article 5

The present Agreement is applicable as regards patents, trade marks, and industrial designs or models to those which are registered, in France, at the Service of Industrial Property, and, in the United Kingdom, at the Patent Office; and as regards rights of literary and artistic property to those which are protected in the country concerned. It shall be extended to patents, trade marks, industrial designs or models and to rights of literary and artistic property registered or protected in the colonies, protectorates, mandated territories, on simple notification by the contracting Government concerned to the other contracting Government.

Under this article, however, the present Agreement shall not be extended in respect of the provisions of sub-paragraph 1 (a) and 2 (b) of Article 1 to any colony, protectorate or mandated territory to which the International Convention of Paris of the 20th March, 1883, as revised in London on the 2nd June, 1934, has not been applied.

IN WITNESS WHEREOF, the undersigned, duly authorised by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

DONE, in London, in duplicate, this 29th day of August, 1945, in English and French, both texts being equally authoritative.

[L.S.] ERNEST BEVIN

[L.S.] R. MASSIGLI