

No. 222

---

**BELGIUM, BRAZIL, DENMARK, FINLAND,  
FRANCE, etc.**

**Agreement for the maintenance or restoration of industrial property rights affected by the second world war (with Protocol of Closure). Signed at Neuchâtel, on 8 February 1947**

*French official text communicated by the Permanent Representative of Denmark to the United Nations. The registration took place on 16 April 1948.*

---

**BELGIQUE, BRESIL, DANEMARK, FINLANDE,  
FRANCE, etc.**

**Arrangement concernant la conservation ou la restauration des droits de propriété industrielle atteints par la deuxième guerre mondiale et Protocole de clôture. Signés à Neuchâtel, le 8 février 1947**

*Texte officiel français communiqué par le représentant permanent du Danemark auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 16 avril 1948.*

## TRANSLATION — TRADUCTION

No. 222. AGREEMENT<sup>1</sup> FOR THE MAINTENANCE OR RESTORATION OF INDUSTRIAL PROPERTY RIGHTS AFFECTED BY THE SECOND WORLD WAR. SIGNED AT NEUCHÂTEL, ON 8 FEBRUARY 1947

The undersigned plenipotentiaries of the Governments of the countries of the International Union for the Protection of Industrial Property, anxious to remedy the prejudices to industrial property rights resulting from the Second World War, have, after communicating their respective full powers, found in good and due form, agreed upon the following articles:

*Article 1*

The periods of priority prescribed in article 4 of the Union Convention of Paris for the protection of industrial property shall, in the case of the deposit or registration of applications for patents, utility models, trade-marks and industrial designs or models which had not expired on 3 September 1939 or which originated after that date but before 1 January 1947, be extended by each of the contracting countries until 31 December 1947, in favour of the holders of rights recognized by the said Convention or of their assigns.

*Article 2*

The holders of rights recognized by the said Convention, or their assigns, shall be allowed until 30 January 1948, without payment of any supplementary fee or liability to any other penalty whatsoever, to perform any act, fulfil any formality, pay any charge and in general meet any requirements prescribed by the laws and regulations of each country to maintain industrial property rights

<sup>1</sup> Came into force, in accordance with article 9, in respect of the following States, and extended to certain territories, in accordance with article 10, on the dates indicated:

Switzerland .....	23 May 1947	Spanish Colonies .....	15 December 1947
Great Britain and Northern Ireland .....	23 May 1947	Czechoslovakia .....	31 July 1947
Dominican Republic .....	23 May 1947	France .....	4 August 1947
Norway .....	30 May 1947	Morocco .....	4 August 1947
Sweden .....	20 June 1947	Tunisia .....	4 August 1947
Finland .....	26 June 1947	Turkey .....	25 August 1947
Denmark .....	16 July 1947	New Zealand .....	22 September 1947
Spain .....	19 July 1947	Western Samoa .....	22 September 1947
Spanish Morocco .....	26 July 1947	Union of South Africa .....	1 December 1947

acquired on or after 3 September 1939 or to obtain any rights which, but for the war, they would have been able to obtain subsequent to that date as a result of an application made before 30 June 1947.

### *Article 3*

The renewal of the registration of commercial and industrial trade-marks whose normal period of protection expired after 3 September 1939, but before 30 June 1947, shall be retroactive to the normal date of expiration, provided that the registration is renewed before 30 June 1948.

### *Article 4*

Countries which are parties to the present agreement and to the Madrid agreement for the international registration of commercial and industrial trade-marks further agree that the renewal of commercial and industrial trade-marks entered in the International Register, the country of origin of which, within the meaning of article 1 of the agreement of Madrid, is one of the contracting countries, shall be retroactive to the normal date of expiration, provided that the registration is renewed before 30 June 1948.

### *Article 5*

1. The period from 3 September 1939 to 30 June 1947 shall be disregarded in calculating the periods prescribed for the exploitation of a patent, the use of a trade-mark, the exploitation of an industrial model or design, or the period of three years prescribed in article 6 *bis*, paragraph 2, of the Union Convention.

2. It is further agreed that none of the sanctions provided in article 5 of the Union Convention may be applied before 30 June 1949 in the case of any patent, industrial design or model or commercial or industrial trade-mark still valid on 3 September 1939.

### *Article 6*

1. If a third party undertook in good faith after 3 September 1939, but before 31 December 1946, to work any invention, utility model or industrial design or model, he may continue to do so subject to the conditions prescribed by domestic legislation.

2. If an inventor proves that an invention is his and has deposited an application for a patent between 3 September 1939 and 1 January 1946, he or his assign may, as regards an application for a patent deposited under article 1, be

placed on the same footing as the person exploiting the invention in good faith, notwithstanding the fact that he has not actually exploited the invention, provided that it is proved that the war prevented him from so doing.

#### Article 7

The provisions of the present agreement afford only a minimum of protection; they shall not preclude claims, on behalf of the holders of industrial property rights, for the application of any wider regulations which may be enacted by the domestic legislation of a contracting country; they shall also be without prejudice to any more favourable agreements or treaties not inconsistent with them, that the Governments of contracting countries may conclude or have concluded between one another.

#### Article 8

The provisions of the present agreement shall not prejudice the application of the provisions of the agreements or treaties of peace now concluded or which may be concluded between former belligerent countries.

#### Article 9

1. The present agreement is open to all countries of the Union for the Protection of Industrial Property and shall be ratified as soon as possible. Ratifications shall be deposited with the Government of the Swiss Confederation which shall notify them to the other Governments. The present agreement shall come into force forthwith between the countries ratifying it.

2. Countries not signatories of the present agreement may accede to it if they so request. Accessions shall be notified to the Governments of the Swiss Confederation which shall notify the other Governments. Accessions shall *ipso facto* and forthwith entail accession to all the clauses and admission to all the advantages stipulated in the present agreement.

#### Article 10

Any contracting country, by notifying the Government of the Swiss Confederation, may extend the present agreement to all or any of its colonies, protectorates, territories under mandate or trusteeship, or any other territories subject to its authority, or any territories under its suzerainty. Such notifications shall be communicated to the other Governments by the Government of the Swiss Confederation.

*Article 11*

The present agreement shall be signed in a single copy, which shall be deposited in the archives of the Government of the Swiss Confederation. A certified copy shall be forwarded by the latter to each of the Governments of the countries signing and acceding to the Agreement.

DONE at Neuchâtel, 8 February 1947.

For Belgium:

HAMELS

For Brazil:

Francisco Antonio COELHO

For Bulgaria:

For Czechoslovakia:

J. ANDRIAL

For Denmark:

N. J. EHRENREICH HANSEN

For Finland:

Paavo ANT-WUORINEN

For France:

Marcel PLAISANT

For Great Britain:

Harold L. SAUNDERS

And Northern Ireland:

B. G. CREWE

For Greece:

D. A. NAOUM

For Hungary:

Körös LASZLO

KARCZAG

For Ireland:

Edward A. CLEARY

For Italy:

Antonio PENNETTA

For the Republic of Lebanon:

MIKAOUI

For the Principality of Liechtenstein:

HOOP

For Luxembourg:

A. DE MUYSER

For Morocco (French Zone):

Marcel PLAISANT

For the Netherlands:

J. WOUDESTRA

For New Zealand:

Harold L. SAUNDERS

For Norway:

R. I. B. SKYLSTAD

For Poland:

Dr. Jakub SAWICKI

Dr. Waclaw OLSZEWSKI

For Portugal:

Manuel Joaquim DOS SANTOS SILVA

MACHADO

Antonio José DE ALMEIDA LIMA

Jorge VAN ZELLER-GARIN

For Roumania:

Dr. C. AKERMAN

For Sweden:

Staffan SÖDERBLOM

(Subject to ratification by His Majesty  
the King of Sweden, with the approval  
of the Riksdag).

For Switzerland:

MORF

Plinio BOLLA

For Syria:

S. OMARI

For Tunisia:

Marcel PLAISANT

For Turkey:

Y. K. KARAOSMANOGLU

Sait Rauf SARPER

## PROTOCOL OF CLOSURE

The undersigned plenipotentiaries, assembled this day for the purpose of signing the agreement for the maintenance or restoration of industrial property rights affected by the Second World War, have agreed as follows:

### I

If, during the period from 3 September 1939 to 30 June 1947, products bearing a trade-mark purporting to be or imitating a mark registered in one of the contracting countries were imported into that country on the Government's account for the efficient prosecution of the war, to maintain supplies and services essential to the life of the community or to relieve suffering and distress arising from the war, such use of the trade-mark shall not be deemed to infringe the rights of its owner.

### II

The provisions of article 1 shall also apply to applications for patents deposited with the German Patents Offices in Berlin by Czechoslovak nationals

during the period from 1 August 1940 to 4 May 1945 inclusive, provided that the invention was not made in Germany.

IN FAITH WHEREOF the undersigned plenipotentiaries have adopted the present protocol.

DONE at Neuchâtel, 8 February 1947.

For Belgium:

HAMELS

For Brazil:

Francisco Antonio COELHO

For Bulgaria:

For Czechoslovakia:

J. ANDRIAL

For Denmark:

Hans Jakob HANSEN

For Finland:

Paavo ANT-WUORINEN

For France:

Marcel PLAISANT

For Great Britain:

Harold L. SAUNDERS

And Northern Ireland:

B. G. CREWE

For Greece:

D. A. NAOUM

For Hungary:

Körös LASZLO

KARCZAG

For Ireland:



For Italy:

Antonio PENNETTA

For the Republic of Lebanon:

MIKAOUI

For the Principality of Liechtenstein:

HOOP

For Luxembourg:

A. DE MUYSER

For Morocco (French Zone):

Marcel PLAISANT

For The Netherlands:

For New Zealand:

Harold L. SAUNDERS

For Norway:

R. I. B. SKYLSTAD

For Poland:

Dr. Jakub SAWICKI

Dr. Wacław OLSZEWSKI

For Portugal:

For Roumania:

Dr. C. AKERMAN

For Sweden:

Staffan SÖDERBLOM

(Subject to ratification by His Majesty  
the King of Sweden, with the approval  
of the Riksdag).

For Switzerland:

MORF

Plinio BOLLA

For Syria:

S. OMARI

For Tunisia:

Marcel PLAISANT

For Turkey:

Y. K. KARAOSMANOGLU

Sait Rauf SARPER

---